

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FEDERAL TRADE COMMISSION, et)	
al.,)	
)	
Plaintiffs,)	Case No. 3:24-cv-00347-AN
)	
v.)	
)	
THE KROGER COMPANY and)	August 28, 2024
ALBERTSONS COMPANIES, INC.,)	
)	
Defendants.)	Portland, Oregon
_____)	

PRELIMINARY INJUNCTION HEARING
DAY 3 - AFTERNOON SESSION
BEFORE THE HONORABLE ADRIENNE NELSON
UNITED STATES DISTRICT COURT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

FOR PLAINTIFF FEDERAL
TRADE COMMISSION:

Ms. Susan Musser
Mr. Charles Dickinson
Mr. Daniel John Matheson
Mr. Jacob Hamburger
Federal Trade Commission
400 7th Street S.W.
Washington, DC 20024

Ms. Laura Hall
Ms. Elizabeth Arens
Ms. Lily Hough
Mr. Harris Rothman
Mr. Alexander J. Bryson
Ms. Katherine Drummonds
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

FOR PLAINTIFF STATE
OF CALIFORNIA:

Ms. Nicole Gordon
Office of the California Attorney
General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

FOR PLAINTIFF STATE
OF ILLINOIS:

Mr. Paul Harper
Office of the Illinois Attorney
General
115 S. LaSalle Street
Chicago, IL 60603

FOR PLAINTIFF STATE
OF OREGON:

Mr. Christopher J. Kayser
Larkins Vacura Kayser LLP
121 S.W. Morrison Street, Suite 700
Portland, OR 97204

Mr. Tim D. Nord
Oregon Department of Justice
Civil Enforcement
1162 Court Street NE
Salem, OR 97301

1 FOR DEFENDANT KROGER
2 COMPANY:

Mr. B. John Casey
Stoel Rives LLP
760 S.W. Ninth Avenue, Suite 3000
3 Portland, OR 97205

4 Mr. Bambo Obaro
Weil, Gotshal & Manges LLP
5 201 Redwood Shores Parkway
Redwood Shores, CA 94065

6 Ms. Luna Ngan Barrington
7 Weil, Gotshal & Manges LLP
8 767 Fifth Avenue
New York, NY 10153

9 Mr. Matthew M. Wolf
Ms. Sonia Kuester Pfaffenroth
10 Mr. Christian Schultz
Mr. Joshua Davis
11 Arnold & Porter Kaye Scholer LLP
12 601 Massachusetts Avenue, N.W.
Washington, DC 20001

13 Mr. Mark Andrew Perry
Mr. Luke Sullivan
14 Mr. Sebastian Laguna
Weil, Gotshal & Manges LLP
15 2001 M Street NW, Suite 600
Washington, DC 20036

16 Rebecca J. Sivitz
17 Weil, Gotshal & Manges LLP
18 100 Federal Street, 34th Fl.
Boston, MA 02110

19
20 Ms. Christine Wheatley
Kroger General Counsel
21 The Kroger Company
22 1014 Vine Street
Cincinnati, OH 45202

23
24
25

1 FOR DEFENDANT
2 ALBERTSONS COMPANIES,
3 INC.:

Mr. David H. Angeli
Angeli Law Group LLC
121 S.W. Morrison Street, Suite 400
Portland, OR 97204

4
5 Ms. Enu Mainigi
Mr. Jonathan Bradley Pitt
6 Mr. Adam Joshua Podoll
Ms. Beth A. Stewart
7 Mr. Michael Cowie
Mr. Tyler Infinger
8 Ms. Adwoa Seymour
Mr. Thomas Moriarty
9 Mr. Thomas Ryan
Williams & Connolly
10 680 Maine Avenue S.W.
Washington, DC 20024

11
12 Mr. James Andrew Fishkin
Dechert, LLP
1900 K Street NW
13 Washington, DC 20006

14
15 Also Present for Witness Daniel Clay:

16 Ciaran P.A. Connelly

17 Also Present for Witness Andrea Zinder:

18 Margo Feinberg
19
20
21
22
23
24
25

	INDEX			
	Witnesses: (For the FTC)	Direct	Cross	ReDirect
1				
2				
3	Dan Clay	714	728	742
4	Andrea Zinder	743	776	803
5	Tom Schwilke	806	839	854
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

D. Clay - D

(August 28, 2024)

P R O C E E D I N G S

(Afternoon session; open court:)

THE COURT: Please be seated. You may continue.

MR. MATHESON: Thank you, Your Honor.

DIRECT EXAMINATION (Resumed)

BY MR. MATHESON:

Q Mr. Clay, shortly before -- just before the lunch break we were discussing a January 2024 meeting, and you mentioned Mr. McGowan made some statements that he could not provide certain information at that meeting. Do you recall what specific information was he unable to provide?

A I think it was the -- what stores were being divested mainly. It was -- that was the information that everybody wanted to know at that point, and I think it was -- I don't remember if it was the number of stores, but it was definitely which stores. I know that was a number.

Q Was there any other information that everyone wanted to know that Mr. McGowan was unable to provide during your January of 2024 meeting with C&S?

A Not off the top of my head as I'm sitting here.

Q Was Mr. McGowan or any other C&S representative able to share any long-term strategy that it had developed for divested stores during the January 2024 meeting?

A Long-term strategy, I'm not sure I would say that.

D. Clay - D

1 There were discussions around their philosophy of running
2 grocery stores. We talked about their focus on perimeter
3 departments versus the center of the store. I know talked
4 about self-checkouts. Those kinds of things. I guess my
5 takeaway -- and it was brought up -- I think by me -- about
6 the advantages of an owner that was not reporting to
7 stockholders being able to take a long-term plan and not
8 have to hit metrics every 13 weeks for the next report and
9 that they were interested in being in the grocery business
10 in the long term. And there was definitely a discussion
11 around that.

12 Q When you say C&S was interested in being in the grocery
13 business in the long term, were you aware at the time of how
14 many retail grocery stores C&S operated?

15 A I was not aware of a number. I didn't think it was
16 nearly the number that they would be getting -- the number
17 of divested stores. I think they were running a lot smaller
18 operation, but I don't have a specific number of stores, no.

19 Q So C&S -- did they provide you with any information
20 regarding the number of stores that they operated compared
21 to the number of stores that are operated by franchisees?

22 A No.

23 Q Are you aware of any stores that C&S operates anywhere
24 in the Pacific Northwest United States -- retail grocery
25 stores, that is?

D. Clay - D

1 A I'm not.

2 Q Sitting here today, do you have an understanding of how
3 many retail grocery stores C&S actually operates at the
4 present time anywhere in the country?

5 A I don't.

6 Q As a result of the meeting with C&S in January 2024,
7 did Local 555 conclude that C&S would leave in place all
8 relevant contracts in the event a proposed divestiture
9 occurred?

10 A Yes.

11 Q Now, does the fact that C&S would assume a contract
12 mean that the contract would never expire or need to be
13 renegotiated?

14 A No. It would expire, I would assume, just like it
15 would have had they not assumed the contract.

16 Q Has Local 555 ever negotiated a labor agreement with
17 C&S?

18 A No.

19 Q At the time you met with Mr. Mr. McGowan and others
20 from C&S in January of 2024, did you have any information
21 from any other union local that had negotiated with C&S on
22 behalf of grocery store workers?

23 A There had been some general discussions on people who
24 ran other locals. I can't tell you off the top of my head
25 great detail. I know that -- I know that some folks said

D. Clay - D

1 they were tough to deal with and those kinds of things.

2 However, you know, I don't know that I have any

3 recollections beyond that.

4 Q At the time you met with C&S in January of 2024, did

5 Local 555 know how many relevant contracts C&S would be

6 taking over?

7 A No.

8 Q At the time you met with C&S in January 2024, did

9 Local 555 have any way of knowing how many contracts C&S

10 might take over, might expire soon after the merger?

11 A No, not without knowing what stores were going to be

12 divested. There was no way we could know.

13 Q Do you have more information at the present time than

14 you did in January of 2024 regarding which contracts C&S

15 will take over in the event of a divestiture?

16 A Yeah.

17 Q Following the meeting with C&S, did Local 555 elect to

18 make a public announcement expressing support for the Kroger

19 and Albertsons merger?

20 A We did.

21 Q At the time Local 555 made its announcement, did UFCW

22 International also express support for the merger?

23 A No.

24 Q At any time, to your knowledge, did UFCW publicly --

25 International -- sorry -- at any time has UFCW International

D. Clay - D

1 publicly expressed support for the merger, to your
2 knowledge?

3 A No.

4 Q To your knowledge, has any UFCW local, apart from
5 Local 555, publicly expressed support for the merger?

6 A No, not to my knowledge.

7 Q Could you please explain why, following the
8 January 2024 meeting with C&S, Local 555 chose to go it
9 alone and publicly express support for the proposed merger?

10 A So in the meeting what I saw and what we saw were
11 people that we believed weren't able to run grocery stores.
12 We saw a commitment -- many public commitments from Kroger
13 to invest in their employees and invest in communities. And
14 those, combined with some uncertainty around what happens
15 otherwise, made the whole thing somewhat appealing.

16 Q When you referenced "uncertainties," what do you mean?

17 A They were all kinds of rumors floating around about who
18 other buyers might be.

19 Q As you understood it when you chose to publicly express
20 support for the merger following the meeting with C&S, who
21 were the other buyers you had in mind?

22 A Well, I had heard the name Walmart. I heard the name
23 Amazon. Both of those are concerning. And I heard the name
24 of a company, I think from Europe, but I can't tell you off
25 the top of my head what that company was. I don't recall.

D. Clay - D

1 That wasn't a company I was familiar with.

2 Q Why would the prospect of Walmart or Amazon rather than
3 C&S acquiring stores be concerning?

4 A Well, I guess they are both huge and able to, I think,
5 expend resources fighting their employees if they want to.
6 Amazon is resourced to the point where they can pick up
7 stores and lose business forever if they want to and not
8 really have an impact on their overall business. And I
9 think it makes sense for employees to be working for
10 employers that want to make money and aren't buying up
11 industries as loss leaders in these kinds of things.

12 Q If you had information in January of 2024 that
13 suggested C&S might not be incentivized to make money at the
14 actual divested stores it acquired, would that have led to
15 similar concerns?

16 A Certainly over the long-term it would. But if it
17 was -- if they weren't going to make money for a period of
18 time as part of a long-term investment and make money later,
19 I get that. But, yeah, it would be a concern in my mind,
20 you know, for the continued existence of the company and for
21 the continued employment of my members, but perhaps a
22 different concern than I would have with, say, an Amazon.

23 Q In January of 2024 did Mr. McGowan or any other C&S
24 representative explain to you the purchase price that C&S
25 was paying for divested assets compared to the actual value

D. Clay - D

1 of the real estate C&S would be acquiring?

2 A No.

3 Q Have you had experiences in your role as president of
4 Local 555 that informed your view that C&S might be
5 preferable to other acquirers of divested stores with whom
6 Local 555 would have less negotiating leverage?

7 A Yes, I think, assuming I understand the question. Can
8 you ask me one more time just to make sure I understood your
9 question?

10 Q What are your experiences that you've had -- strike
11 that -- what, if any, experiences have you had as president
12 of Local 555 that informed your view that C&S might be
13 preferable to other potential purchasers of the divested
14 stores?

15 A I mean, no specific experiences with C&S other than
16 having that conversation.

17 Q How long would you say the conversation you had in
18 January of 2024 lasted?

19 A It was, I believe, between an hour and two hours.

20 Q You also mentioned public commitments for Kroger to
21 invest in employees and communities as a factor that caused
22 you to support the merger. Is that a fair summary of a
23 factor you mentioned?

24 A Yes.

25 Q What sorts of public commitments were you aware of in

D. Clay - D

1 January 2024?

2 A There were multiple communications around, like I say,
3 investing in employees and investing in communities. It
4 was, I think, pretty prevalent around -- at least the
5 Portland area. And there was communication in podcasts.
6 There was a pretty steady drumbeat that we are to invest in
7 communities; that we are going to invest in employees.

8 Q Mr. Clay, does Local 555 currently support the merger
9 between Kroger and Albertsons?

10 A We do not.

11 Q Do you have more information now regarding the stores
12 that will be included in the proposed divestiture packages
13 than you had when Local 555 announced that it supported the
14 merger following its January 2024 meeting with C&S?

15 A Yes. Between those two periods we received a list of
16 the stores that would be divested.

17 Q Leaving aside the identities of the stores included in
18 the proposed divestiture package, do you now have other
19 information that you lacked in January of 2024 that is
20 relevant to Local 555's opposition to the merger?

21 A Yeah. Based on not necessarily negotiations, but based
22 on discussions that were had in negotiations, we've come to
23 question the veracity of the commitment to invest in
24 employees.

25 Q When you say "discussions during negotiations," which

D. Clay - D

1 negotiations are you referencing?

2 A I was referencing our current negotiations that we're
3 involved with now.

4 Q With Kroger? Okay. So you are referencing your
5 current negotiations with Kroger that have led to the
6 recently announced strike; is that fair?

7 A Yes.

8 Q What information has come to your attention, again, in
9 your negotiations with Kroger that led to the strike that
10 was effective this morning that caused you to question the
11 veracity of Kroger's previous representations that it was
12 committed to investing in employees and communities?

13 A So the multiple discussions around bargaining where the
14 bargainers for Kroger have said that the money to invest in
15 their employees isn't available, and they don't have that
16 until after the merger is done, and when we asked about
17 that, we didn't get really any answer, let alone a
18 satisfactory answer, as to why that would be the case.

19 Q One potential source for money being available after
20 the merger would be for Kroger to raise prices, right?

21 MS. BARRINGTON: Objection, Your Honor. Leading.

22 THE COURT: Sustained.

23 BY MR. MATHESON:

24 Q Is it the case that if Kroger increased prices at
25 stores after the merger, it might have more money to invest

D. Clay - D

1 in employees and communities?

2 A I believe so.

3 Q Have Kroger's bargaining representatives told you that
4 increasing wages in your current negotiations could lead to
5 store closures relevant to the members of Local 555?

6 A Yes.

7 Q What did they tell you regarding the likelihood that
8 Kroger would close store locations relevant to Local 555
9 members in the event Kroger were to increase wages?

10 A So they -- we made wage proposals, and we were told
11 that agreeing to those wage proposals would result in a
12 closure of stores in the Portland area.

13 Q Setting aside information that you received regarding
14 Kroger, are you now aware of information regarding C&S that
15 you were not made aware of in January of 2024?

16 A I've certainly heard more about the company. Maybe I
17 would say that I've heard that they are a tough company to
18 deal with. I've heard it from more people than I had heard
19 before. I learned that -- or I was told that Mark McGowan
20 was the person who was charge of a big labor dispute back
21 East, which I was unaware of.

22 Q Were you provided any information with C&S's operations
23 in Alaska that have influenced your view regarding the
24 merger between Kroger and Albertsons?

25 A Yeah. I've received as part of negotiations

D. Clay - D

1 information about the stores in Alaska and knowing which
2 ones go to which company, and that's caused me some real
3 concern.

4 Q And what the nature of that concern?

5 A So the stores that are staying with Kroger are not
6 completely, but largely, nonunion, where there's no
7 significant -- well, there really isn't a significant
8 investment in any kind of a pension in the nonunion stores.
9 In the union stores that C&S is primarily getting, the
10 pension payment is close to \$2 an hour. And I don't know
11 overall what Kroger pays in the Fred Meyer stores currently
12 overall, but in the Fairbanks store, where we have
13 information, if you take the total amount of money paid in
14 the period for health and welfare, or I guess for medical
15 insurance for the employees working there, and then you
16 divide that up by the number of hours they worked in the
17 same period, it worked out to about 53 cents an hour for
18 employees on average that would be covered in that
19 bargaining unit.

20 If you look at the stores that C&S is getting,
21 that ranges between \$5 and \$7 per hour, \$5.50 and \$7 per
22 hour, for health and welfare in those union stores, and I'm
23 specifically concerned about what happens with the pension,
24 which I'm a trustee on. And it's significantly underfunded.
25 So it is my understanding that C&S is going to be picking up

D. Clay - D

1 pension underfunding, the liability for that for the stores
2 that they take over. And for the Alaska Safeway/Carrs
3 stores, that's a \$80 million, \$90 million bill, as I
4 understand it.

5 Q So to unpack that for a moment, is your concern that
6 the stores that C&S is acquiring in Alaska -- with respect
7 to those stores, is your concern that C&S's contribution to
8 benefits on an hourly basis is too high or too low?

9 A My concern is -- I don't think it's inappropriate. But
10 my concern is that if they are going to compete with Kroger,
11 and Kroger isn't paying those same amounts that they are
12 going to have a hard time competing, which is going to end
13 up with them closing stores and end up with workers not
14 having jobs, that's my concern. And frankly, currently the
15 Safeway/Carrs stores in Alaska are supplied by a
16 distribution center, which I understand is going to Kroger
17 and that the new company will have to buy whatever they sell
18 from that warehouse.

19 So if you look at the way these stores are being
20 split up, they are buying groceries from the company they're
21 supposed to be competing with. They have a \$7 to \$9 per
22 hour disadvantage when it comes to benefit payments to their
23 employees, and they're assuming, let's say, an \$80 million
24 liability for an underfunded pension plan that they
25 probably -- they're probably 90 percent of the plan. Kroger

D. Clay - D

1 might be 5. They have a really small exposure to that,
2 whereas C&S would have a massive exposure to that, and then
3 the other two competitive disadvantages that I mentioned.

4 Q Would the combination of those competitive
5 disadvantages that you mentioned that C&S would face cause
6 you to be concerned that they would exit the retail grocery
7 business in the relevant geographic region?

8 A Yeah. I mean, I don't know how they -- I don't know
9 how they couldn't. I don't know how they could compete in
10 that environment.

11 Q Given all the information that you now have, that you
12 did not have in January of 2024, is it your view that this
13 merger will benefit the members of Local 555?

14 A Definitely not.

15 Q Mr. Clay, is Local 555's current opposition to the
16 merger between Kroger and Albertsons simply a tactic that
17 you're employing to generate leverage in your current
18 negotiations with Kroger?

19 A No, not at all.

20 Q Would it make sense from your point of view to announce
21 your opposition to the merger prior to the conclusion of
22 your negotiations with Kroger?

23 A Well, I mean, if it were leverage, it wouldn't make
24 sense to put out a week or two that we were in support of
25 it. It would make sense to actually use it as leverage

D. Clay - D

1 instead of being publicly -- just being public about what
2 our feelings are and putting it out there to the world.

3 Q So if you were attempting to use Local 555 support for
4 opposition to the Kroger-Albertsons merger as leverage in
5 negotiations with Kroger, how would you go about doing that?

6 A Well, I mean, I'm not even sure if it would be legal to
7 do this. I would definitely talk to attorneys, right.

8 I mean, the obvious thing to me would be to say,
9 "If you don't do this, I'm going to do this. If I don't get
10 the contract that I want, then I'm going to come out against
11 the merger," and that wasn't a discussion that we had with
12 the company. We had no discussions with the company at all,
13 specifically because I wanted to avoid that. We did not
14 even tell them that we were going to change position,
15 because they didn't want to -- I didn't want it to look like
16 that's what was going on.

17 Q Is Local 555's current opposition to Kroger-Albertsons
18 merger retaliation for the manner in which you feel Local
19 555 has been treated in recent negotiations?

20 A No. I mean, I think we have been treated the same in
21 negotiations historically. Not at all. Negotiations are
22 important, but coming to the conclusion that the new company
23 isn't likely to be competitive and coming to question the
24 claims that were made around investing in employees anyway.
25 I mean, there are certain things -- there are very few

D. Clay - X

1 things in my world that are more important than
2 negotiations, but I felt it was something we had to come out
3 and be straightforward with what our position was or what
4 our position now is based on the information that we found.

5 MR. MATHESON: Thank you, Mr. Clay. I pass the
6 witness, Your Honor.

7 THE COURT: We have made some adjustments with the
8 mics. I know it has been hard for different attorneys. I
9 hope one of those will work.

10 MS. BARRINGTON: I appreciate that, Your Honor.
11 Thank you very much.

12 CROSS-EXAMINATION

13 BY MS. BARRINGTON:

14 Q Good afternoon, Mr. Clay. It is nice to see you again.

15 A Good to see you as well.

16 Q You recall I took your deposition earlier this year in
17 June.

18 Now, I want to talk a little bit about the meeting
19 that you had with C&S that you spoke to counsel about, and I
20 want to just go into a little more detail about that meeting
21 and the reasons why you did that. You met with C&S to
22 discuss the proposed divestiture back on January 2024 because
23 you wanted to get a feel for who the people were who would
24 be running the divested stores, correct?

25 A Yeah. Yeah.

D. Clay - X

1 Q And you wanted to learn about C&S's plans for the
2 divested stores, correct?

3 A Yes.

4 Q And at the meeting you discussed C&S's background, what
5 they do, how they got to where they were today, correct?

6 A Yes.

7 Q And I think you also mentioned that you discussed C&S's
8 retail philosophy for the new stores if the divestiture were
9 to come about?

10 A Yes.

11 Q And in the meeting C&S recognized the importance of
12 employees to their success, right?

13 A That's correct.

14 MR. MATHESON: Your Honor, I will object to the
15 leading. My understanding is this is also a witness that
16 has been called as a direct witness by defendants, and
17 therefore there should not be leading unless this is a
18 cross-examination limited to the scope of the direct
19 examination. I just wanted some clarity.

20 THE COURT: He's a shared witness, correct?

21 MR. MATHESON: I believe that's true.

22 MS. BARRINGTON: That's correct, Your Honor.

23 THE COURT: So she can continue.

24 MR. MATHESON: Thank you.

25

D. Clay - X

1 BY MS. BARRINGTON:

2 Q And C&S also recognized the importance of grocery
3 stores to its communities, correct?

4 A Yes.

5 Q And C&S recognized how the grocery experience is part
6 of customers' lives, correct?

7 A I think so, yeah.

8 Q And it's fair to say that you had a positive
9 conversation with C&S, correct?

10 A It was a positive conversation.

11 Q Right. In fact, after you met with C&S, Local 555
12 issued a press release in support of that merger, correct?

13 A Yes.

14 MS. BARRINGTON: I would like to introduce DX2846.

15 Your Honor, may we approach the witness to give
16 witness binders?

17 THE COURT: Yes.

18 If you would give us that number again.

19 MS. BARRINGTON: Of course. DX2846.

20 BY MS. BARRINGTON:

21 Q Mr. Clay, do you recognize this document?

22 A I do.

23 Q Is this the press release that Local 555 issued on
24 February 19, 2024, following its meeting with C&S?

25 A Yes.

D. Clay - X

1 MS. BARRINGTON: Your Honor, I would like to move
2 this exhibit into evidence, please.

3 MR. MATHESON: No objection, Your Honor.

4 THE COURT: It will be received.

5 MS. BARRINGTON: Thank you.

6 BY MS. BARRINGTON:

7 Q It is titled "UFCW 555 meets over Kroger merger and
8 divestiture."

9 Do you see that?

10 A I do.

11 Q If you look, it contains statements from yourself,
12 Sandy Humphrey, and Ann Poff, correct?

13 A Yes.

14 Q And you previously testified that Local 555 agreed with
15 the statements that were made in this press release,
16 correct?

17 A Yes.

18 Q And I want to take a look at your statement right there
19 at the top.

20 You write: "After meeting with C&S on the
21 divestiture of stores as part of the Kroger-Albertsons
22 merger, we were pleased to find not only that they
23 understood and liked the grocery business but also
24 recognized the importance of quality employees to their
25 ongoing success. C&S has the opportunity to bring a

D. Clay - X

1 long-term strategy a grocery industry focused on the
2 short-term demands of shareholders and private equity
3 investors. Employees of Kroger and C&S will be better off
4 than employees of other potential buyers whose actions never
5 seem to match the image they project publicly and a
6 refreshing change of pace. C&S seems poised to deliver a
7 much needed fresh perspective for employees and customers
8 alike."

9 Now, when you issued the statement back in
10 February, you agreed with this, correct?

11 A Yes.

12 Q Now, I would like to take a look at the statement that
13 Ann wrote -- and that's the third one down there.

14 It starts with, "Cerberus no longer wants to own
15 Albertsons." Do you understand that Cerberus is the private
16 equity group that has an ownership stake in Albertsons?

17 A That's what I understand.

18 Q She goes on to write: "It is foolish to think that
19 stopping this merger means everything will stay the same.
20 Communities in the Pacific Northwest want to know that basic
21 goods and services necessary to care for their families are
22 available at a fair price. Forcing servers to continue to
23 own Albertsons isn't an option. If they don't sell to
24 Kroger, it will be someone else. Our members would rather
25 work for people who run grocery stores over online or

D. Clay - X

1 big-box retailers. This merger, combined with the
2 significant divestiture to C&S, represents a good outcome
3 for workers caught in the wake of a private equity company
4 that wants to sell Albertsons."

5 Now, when you issued the statement back in
6 February, you agreed with it, correct?

7 A Yes.

8 Q And you believed that this merger, combined with a
9 significant divestiture, was seen as -- represented a good
10 outcome for your workers, correct?

11 A Yes.

12 Q And one of your principal concerns back when you and I
13 talked in June was that if this merger does not go through,
14 then Albertsons' private equity owners could sell the
15 company and potentially -- to a buyer -- would not assume
16 those collective bargaining agreements, correct?

17 A Yeah, I think that's correct. Yeah.

18 Q I would like to take a look at another exhibit. This
19 is DX912, please. We saw a newsletter here that counsel
20 showed you. But this is a different newsletter that Local
21 555 issued to its members back in March 2024.

22 Do you recognize this document, Mr. Clay?

23 A I do.

24 MS. BARRINGTON: I would like to move, Your Honor,
25 DX0912 into evidence.

D. Clay - X

1 MR. MATHESON: No objection.

2 THE COURT: It will be received.

3 BY MS. BARRINGTON:

4 Q Now, when you send newsletters out to your members, you
5 try to be accurate and truthful, correct?

6 A Yes.

7 Q Now, if you could turn to page 3, and there is an
8 article here. It is titled "Kroger, Albertsons, C&S and
9 Cerberus Management: UFCW meets with C&S over Kroger merger
10 and divestiture to determine best path forward for its
11 members."

12 The purpose of this article was to inform your
13 members as to why Local 555 chose to support the merger
14 during this time, correct?

15 A Yes.

16 Q I would like to just point you, Mr. Clay, to the fifth
17 paragraph there starting with "the executive board." You
18 write: "The executive board came to the decision to support
19 the merger because when you're making a decision like this,
20 you need to look at what resources are actually available.
21 Cerberus is not a grocery company. It's an investment firm.
22 It has no interest in building and maintaining stores, only
23 selling the company for more than it bought it for. We can
24 try to stop this merger, but then what are our options?
25 Stopping this merger does not mean everything will stay the

D. Clay - X

1 same. If Cerberus doesn't sell to Kroger, we can expect
2 them to sell to large-box stores like Walmart or online
3 retailers, neither of which are good options for workers or
4 customers."

5 Now, at the time you issued this newsletter to
6 your members, you also agreed with this statement, correct?

7 A Yeah.

8 Q Now, for the last six months Local 555 has supported
9 the merger of Kroger and Albertsons and its divestiture to
10 C&S, correct?

11 A Yeah.

12 Q And when I took your deposition back in June of this
13 year, your testimony under oath was that Local 555 still
14 supported the merger, correct?

15 A Yes. And at that point that's true.

16 Q And I think very recently, Mr. Clay, you testified that
17 Local 555 has pulled its support for the merger, correct?

18 A Yes.

19 Q Local 555 is currently in bargaining negotiations with
20 Kroger?

21 A Yes.

22 Q And Local 555 has attributed their change in position
23 to new information that Local 555 learned at the bargaining
24 table, correct?

25 A Yeah.

D. Clay - X

1 Q And you issued a press release or a bargaining update
2 to your members explaining that your change in position was
3 related to new information at Local 555, correct?

4 A I believe so, yes.

5 Q In that bargaining update that you issued on your
6 website to your members, there is no mention of C&S,
7 correct?

8 A I don't believe there was a mention of C&S, and it
9 makes sense that there wouldn't have been, since it was a
10 bargaining update. So, yeah, I think that's probably
11 correct.

12 Q Thank you. To be clear, Local 555's opposition to the
13 merger is not a reflection on C&S, correct?

14 A Not -- I guess not -- I mean, it is not a reflection on
15 C&S. I mean, we --

16 Q Okay. Thank you.

17 A Sorry. I'm a slow thinker.

18 Q Please take your time. I am too sometimes.

19 A So I guess it is not a reflection on C&S, but it was
20 impacted by our understanding of the likelihood of C&S being
21 successful.

22 Q Okay. I just want to make sure the record is clear.
23 Local 555's opposition to the merger is not a reflection on
24 C&S, correct?

25 A I think that's correct, yeah.

D. Clay - X

1 Q Now, in its current negotiations with Kroger, Local 555
2 has demanded that Kroger pay its Portland associates the
3 same rates that Kroger is paying in other parts of the
4 Pacific Northwest, correct?

5 A That's one of our -- yeah, one of our proposals. Yes.

6 Q I would like to pull up, if I may, DX2958.

7 Mr. Clay, this is another bargaining update from
8 Local 555. This is dated just a few weeks ago, from
9 August 6th, 2024, correct?

10 A Yes.

11 Q And is this a bargaining update that's posted on your
12 website?

13 A Yes.

14 MS. BARRINGTON: Your Honor, I would like to admit
15 Exhibit 2958 into evidence, please.

16 MR. MATHESON: No objection, Your Honor.

17 THE COURT: It will be received.

18 MS. BARRINGTON: Thank you.

19 BY MS. BARRINGTON:

20 Q This one is titled "Bargaining update; unity retail.
21 Local 555 and employer exchange wage proposals."

22 Do you see that?

23 A I do.

24 Q I think you mentioned in your testimony with counsel
25 earlier that one of the reasons -- one of the negotiating

D. Clay - X

1 issues at the table is benefits, correct?

2 A Yes.

3 Q And I want to just direct you to the bullet points
4 here. I think there are six of them. Five of those bullet
5 points relate to wages, correct?

6 A Yeah.

7 Q If we could zoom out, please.

8 It says -- if go down to the next paragraph,
9 Mr. Clay, it says, "Our wage proposal will catch us up to
10 the amount that your employer is already paying other UFCW
11 represented members in other parts of the Pacific Northwest
12 and West Coast. The wages that we are proposing, along with
13 the other changes to your pay scale, acknowledge the rising
14 cost of living and the reality that your employer is hiring
15 brand-new employees at the journey person rate of pay
16 regardless of whether or not they (indiscernible)."

17 Just to be clear, Mr. Clay, Local 555 has demanded
18 that Kroger pay the same rates that it's paying its
19 associates in other parts of the Pacific Northwest, correct?

20 A Well, I mean, we made wage proposals that would address
21 that, but that's kind of an overarching summary of what we
22 were trying to accomplish.

23 Q Thank you. And in this document there's no mention of
24 Albertsons anywhere, correct?

25 MR. MATHESON: Objection, Your Honor. It

D. Clay - X

1 misstates the documents. It's simply false. It says that
2 they can now buy Albertsons-Safeway. I object. It's a
3 foundations question. It misstates the document.

4 THE COURT: I will sustain. You can rephrase.

5 MS. BARRINGTON: Thank you, Your Honor.

6 BY MS. BARRINGTON:

7 Q Other than the reference to Kroger buying Albertsons,
8 there's no other reference to what Albertsons is paying in
9 wages, correct?

10 A Yeah. I believe there isn't, no.

11 Q Thank you.

12 Now, I also want to direct your attention to the
13 last paragraph there. It reads: "Your employer has made
14 public promises that they will invest in our communities and
15 invest and secure your retirement and that they have been
16 vocal about their appreciation for their long-time
17 employees. The employees who have helped them grow so
18 strong that they can now buy Albertsons-Safeway. It is time
19 that they make good on these promises by significantly
20 investing in your wages now, significantly investing in your
21 retirement now, and showing their appreciation with an
22 additional increase to wage step for those who have been
23 with the employer for ten years or more, not just a
24 billboard or TV ad."

25 Now, Mr. Clay, you understand that Kroger has made

D. Clay - X

1 a public commitment to invest in wages and benefits for its
2 associates after this merger closes, correct?

3 A My understanding was they said they would invest in
4 their employees. I don't know that necessarily those things
5 are called out, but generally speaking, yes.

6 Q Okay. I want to make sure the record is clear. Your
7 understanding is that Kroger has made a commitment to invest
8 a billion dollars every year into its associates in wages
9 and benefits after this merger closes, correct?

10 A Yeah. I think that's correct.

11 Q I now want to talk about the strike that's on going in
12 Portland right now. Local 555 is now on strike against
13 Kroger, correct?

14 A Correct.

15 Q And this is an unfair labor practice strike, correct?

16 A Correct.

17 Q I'm sorry?

18 A Yes. Correct.

19 Q I would like to walk through the timeline of what we
20 just established here today. To be clear, if you can please
21 pull up DX5.

22 MS. BARRINGTON: It is a demonstrative,
23 Your Honor, we have for the Court and the parties.

24 It should be, Mr. Clay, in the first sleeve of
25 your binder. We will also have it here on the screen.

D. Clay - X

1 BY MS. BARRINGTON:

2 Q So Local 555 met with C&S on January 24, 2024, correct?

3 A Yes.

4 Q And Local 555 issued a press release on February 19th,
5 2024, following that meeting, correct?

6 A Yes.

7 Q And then just a month later, in March of 2024, Local
8 555 issued a newsletter to its members explaining support
9 for the merger, correct?

10 A Yes.

11 Q And then when I deposed you on June 12th, 2024, you
12 swore under penalty of perjury that you supported the merger
13 at the time, correct?

14 A Yes.

15 Q Now, Kroger is currently in bargaining negotiations
16 with Local 555, correct?

17 A Yes.

18 Q And Local 555 withdrew its support of the merger just a
19 couple of weeks ago, on August 15th, 2024, correct?

20 A Yes.

21 Q And Local 555 was authorized to strike -- authorized to
22 strike against Kroger on August 17th, 2024?

23 A Yes.

24 Q But it chose to strike today, correct?

25 A Yes.

D. Clay - ReD

1 Q Mr. Clay, it's my understanding that after you finish
2 your testimony here today, you're going to be giving a press
3 conference outside of this courthouse, correct?

4 A Yes.

5 MS. BARRINGTON: Thank you, Your Honor. No
6 further questions.

7 MR. MATHESON: Very brief redirect.

8 THE COURT: Go ahead.

9 REDIRECT EXAMINATION

10 BY MR. MATHESON:

11 Q Mr. Clay, do you have any cause to doubt that Kroger
12 will not follow through on its supposed commitment to invest
13 in wages and benefits in a way that will benefit the members
14 of Local 555?

15 A Yeah. Based on the conversations that were had in
16 part, I guess, candidly, we just don't believe that it's
17 something that they're going to do.

18 MR. MATHESON: Thank you very much.

19 MS. BARRINGTON: Nothing further, Your Honor.

20 THE COURT: You may step down.

21 THE WITNESS: Thank you.

22 THE COURT: You may call your next witness.

23 MR. HAMBURGER: Good afternoon. Jacob Hamburger
24 on behalf of the plaintiff, Federal Trade Commission.
25 Plaintiffs call Ms. Andrea Zinder. Ms. Zinder is

A. Zinder - D

1 accompanied by counsel, Ms. Margo Feinberg.

2 MS. FEINBERG: Good afternoon, Your Honor.

3 Margo Feinberg representing Andrea Zinder.

4 (The witness was duly sworn.)

5 THE CLERK: Would you please state your name for
6 the record, spelling your last.

7 THE WITNESS: Andrea, A-N-D-R-E-A; Zinder,
8 Z-I-N-D-E-R.

9 MR. HAMBURGER: May I proceed, Your Honor?

10 THE COURT: Yes.

11 DIRECT EXAMINATION

12 BY MR. HAMBURGER:

13 Q Ms. Zinder, where are you currently employed?

14 A UFCW Local 324.

15 Q And what is your current role with Local 324?

16 A I'm the president.

17 Q Okay. And what is UFCW Local 324?

18 A United Food and Commercial Workers Local 324 is a
19 labor union representing employees in Orange County and
20 South Los Angeles County in a variety industries, including
21 retail grocery.

22 Q How did you first become interested in working for a
23 union specifically?

24 A While I was in college, I studied labor relations at
25 Cornell University, and they had programs where they were

A. Zinder - D

1 organizing workers in the community and on campus. I got
2 involved in organizing with them at the time. Then there
3 was an externship program where they placed students with
4 the National Labor Relations Board on a temporary basis, and
5 I got a job doing that while I was in college.

6 Q Okay. What did you do after college?

7 A The National Labor Relations Board offered me a job
8 right out of college, and so I took that job for about
9 three-and-a-half years, at which point United Food &
10 Commercial Workers 770 in Los Angeles offered me a position,
11 and I immediately moved over to that local union and that
12 job.

13 Q What do you mean by "that job"?

14 A The position was director of research and collective
15 bargaining. They were looking for someone to fill a slot
16 pretty quickly, and they offered me that position.

17 Q This is that Local 324?

18 A The Local 770 in Los Angeles, which is a sister local
19 of Local 324 and a local that bargains at the same time or
20 in the same industries and with the same contract as Local
21 324.

22 Q Now, how long have you been president of Local 324?

23 A So I moved over to Local 324 in 1997. I became
24 secretary-treasurer, and since 2019 I have been the
25 president of Local 324.

A. Zinder - D

1 Q How long have you had a career in union locals?

2 A In the labor movement, I have been employed over 40
3 years.

4 Q So I want you to think about Local 324. What
5 industries do you represent?

6 A We represent retail food, retail drug, pharmacies. We
7 represent cannabis. We represent retail workers at
8 Disneyland -- at the Disneyland Resort. We represent some
9 healthcare workers, Kaiser. We represent optometrists. We
10 represent some food processing and manufacturing, and we
11 represent cold storage units. That's probably a prettier
12 good summary. There are a few. We have parking lot
13 attendants that we represent.

14 Q And are you familiar with the types of jobs that your
15 members do?

16 A I'm familiar with the types of jobs, yes. I talk to
17 our members. I visit work sites. I negotiate contracts.
18 So I'm familiar with the jobs, yes.

19 Q And does that include workers at Kroger-Albertsons
20 stores?

21 A Yes. Kroger and Albertsons are among our bigger
22 employers, and I have spent a lot of my career talking to
23 grocery workers as a result.

24 Q A moment ago you mentioned that you represent food
25 processing workers. Does that mean meat processing workers?

A. Zinder - D

1 A Meat processing and food processing. We have a
2 contract with Day-Lee foods which produces food like --
3 frozen foods.

4 Q And are you familiar with the different roles at a meat
5 processing plant?

6 A Yes. We have one meat processing plant now, but we
7 have had meat packing plants in the past that I've
8 negotiated a contract. They have since moved out of the
9 Local 324 jurisdiction, so we no longer represent those
10 employees. They are represented by another UFCW local.

11 Q So roughly speaking, about how many retail grocery
12 workers specifically does your local represent?

13 A Approximately 15,000.

14 Q Can you tell me a little bit about your primary
15 responsibilities as the president of UFCW Local 324?

16 A I'm responsible to administer all of the different
17 functions of a local, including the financial aspect of it,
18 the representation, the organizing, and the chief negotiator
19 on most of our contracts. I also work with field staff to
20 make sure that the contract terms are enforced and
21 administered. I meet with members to make sure that the
22 members are receiving all the benefits that we negotiate for
23 them, and I'm also a trustee on some major trust funds
24 managing pension plans and health and welfare plans.

25 Q You mentioned that you're a chief negotiator on behalf

A. Zinder - D

1 of the local. Could you just describe to the Court what
2 your role is in collective bargaining negotiations?

3 A My role is to sit at the bargaining tables, to bargain
4 across from the employer, to prepare proposals, to make
5 counterproposals, to respond to employer proposals, to talk
6 to members about what's going on in the negotiations, to
7 assist in doing financial calculations regarding proposals.

8 Q And does that include negotiations with Kroger and
9 Albertsons?

10 A Yes, it does.

11 Q Could you just briefly describe your role in collective
12 bargaining negotiations specifically with Kroger and
13 Albertsons?

14 A So as the president of Local 324, I'm the chief
15 spokesperson at the bargaining table for Local 324. I'm
16 also the chief spokesperson -- one of the chief
17 spokespersons at the bargaining table for a bargaining unit
18 that involves several local unions in Southern California.
19 I share that responsibility with the president of Local 770,
20 but the two of us do most of the negotiating at the
21 bargaining table back and forth with the employers.

22 Q So over the four decades representing workers, is it
23 fair to say that you've participated in, let's say, dozens
24 of collective bargaining negotiations?

25 A Hundreds. Over a hundred, I would say. Over 150

A. Zinder - D

1 collective bargainings in all the industries that we
2 represent, yes.

3 Q So, Ms. Zinder, I want to ask you a couple of questions
4 about the types of wages and benefits available specifically
5 to union grocery workers, okay?

6 A Okay.

7 Q What are some of the key things you bargain for on
8 behalf of union grocery workers?

9 A We bargain for wages. We bargain for medical benefits.
10 We bargain for pension. We bargain for hours of work,
11 seniority, grievance procedure, vacations, holidays. There
12 are many aspects that make up the compensation part of what
13 we negotiate. But then we also negotiate language in terms
14 of discipline and grievances, and so all of the -- all the
15 things that make up the contract.

16 Q So I think I heard you say that you bargain for hours
17 of work. Is that the same thing as hours guarantees, or is
18 that something else?

19 A Hours guarantees, scheduling, notification of
20 scheduling. It involves several things, but definitely the
21 guarantee of hours is probably primary.

22 Q And what are hour guarantees?

23 A Hour guarantees is the minimum number of hours that
24 either a full-time or part-time member must be scheduled per
25 week in our contract. So for full-timers, they're

A. Zinder - D

1 guaranteed 40 hours a week to be scheduled; for part-timers
2 in the grocery industry, it is 28 hours per week that
3 they're guaranteed.

4 Q Are hours guarantees important to your members?

5 A They are. In fact, in the last negotiations we were
6 able to increase the hourly guarantee because the cost of
7 living is so high in Southern California that wages alone
8 aren't adequate to assure our members a fair standard of
9 living. So they need to know -- we need to know that our
10 members are going to be guaranteed a certain number of hours
11 so they can make ends meet. When they try to get credit to
12 buy a car or to rent an apartment, they need to show that
13 they have the financial security and not just the wage rate,
14 but also the weekly guarantee of hours; that they're going
15 to have a salary that can substantiate their financial
16 obligations.

17 Q Do union benefits for your workers improve as they gain
18 seniority?

19 A Yes. In almost every single aspect of union benefits.
20 Medical benefits. They phase in over the first six years of
21 employment. Our members get medical benefits starting at
22 six months for themselves and their family, but they improve
23 gradually over a six-year period. Pension benefits.
24 They're vested. The number of years that an employee is
25 vested for is going to make a big difference in their

A. Zinder - D

1 pension. Vacations is on a graduated scale based on years
2 of work. They get holidays phased in. So all of the
3 different benefits are -- get greater as our members gain
4 seniority.

5 Q So the longer a worker stays with their union job, the
6 better benefits they get over time?

7 A Yeah. They vest in their pensions. They get the most
8 affordable healthcare benefits. They've got a certain
9 number of holidays and vacation days. So that's all based
10 on seniority. So the longer they stay, the more they're
11 attached to their company because they have all of these
12 benefits that were based on years of service.

13 Q Earlier you mentioned that you're familiar with the
14 different jobs of the workers that you represent, but I
15 specifically want to ask you about union grocery workers.
16 So are you familiar with the different job positions in a
17 grocery store?

18 A Yes. We negotiate based upon job classifications and
19 job positions. I am very familiar with the different jobs
20 that our members perform.

21 Q Is it right to say that some jobs at a grocery store
22 require more skills or training than some others?

23 A Yes. Meat cutters require more training. Pharmacy
24 jobs require more training. Department heads. Definitely
25 experience is necessary for a department head. They do

A. Zinder - D

1 ordering, rotating of product, et cetera. So they need to
2 have that experience. Receivers are more experienced.
3 Front-end managers, who we also represent, are a little more
4 experienced than the workers in the check stand necessarily
5 or stocking. But there are definitely higher-scaled
6 positions.

7 Q So you mentioned, first, meat cutters. Can you just
8 explain to me what a meat cutter is.

9 A A meat cutter is a job in the store that an employee or
10 employees perform every single day, cutting the meat so that
11 it can be presented and displayed for the customers,
12 packaging it in bolts, and also customer requests. They
13 have the skills of the trade in terms of using the different
14 knives, et cetera, to reduce large portions of meat into
15 portions of meat that customers want to purchase.

16 Q Is there specific training that's required to be a
17 grocery store meat cutter?

18 A There is an apprenticeship program, but it is not
19 necessary. It is something that some meat cutters have gone
20 through. They may also get their training by being a meat
21 clerk, which is a position that works in the meat department
22 but doesn't yet have the complete skills of a meat cutter
23 and doesn't perform, I would say all of the cuts, doesn't
24 use all of the tools of the trade.

25 A lot of it can be -- the skills can be gained on

A. Zinder - D

1 the job, but it takes a while. Obviously it's one of the
2 more dangerous jobs, and it's also a job that is really
3 important in terms of consumer safety, product rotation,
4 making sure that items are only on the shelf for the
5 shelf-life and things like that.

6 Q How does the work of a grocery store meat cutter
7 compare to the work of a meat processing plant, for example?

8 A A grocery store meat cutter is interacting with
9 customers, first of all. I think that's really most
10 important, especially to our members, because that customer
11 interaction is something that they enjoy. They like being
12 able to provide the cuts to the customers and explaining to
13 them how to prepare them, how to store them, and they like
14 to be able to maybe help a customer figure out what goes
15 with that cut of meat. It's just a consumer -- a
16 customer-facing job as opposed to, like, a meat packing
17 plant, which is not customer-facing at all.

18 Q How does the pay of a meat cutter compare to a worker
19 in a meat processing plant?

20 A The compensation of a meat cutter in grocery stores we
21 represent is much higher than meat processing plants, in
22 large part because the medical benefits and the pension are
23 superior. There is also a wage differential. Looking at
24 the entire compensation package, which includes the health
25 benefits and the pension benefits, the compensation package

A. Zinder - D

1 is much greater in the retail grocery stores.

2 Q Okay. Ms. Zinder, I want to ask you about your
3 experience in collective bargaining negotiations
4 specifically with Kroger and Albertsons, okay?

5 A All right.

6 Q So does Kroger operate union grocery stores in
7 Southern California?

8 A Kroger operates under the Ralphs banner and the
9 Food 4 Less banner in Southern California, and all of them
10 are unionized.

11 Q What about Albertsons? Do they also operate union
12 grocery stores in Southern California?

13 A Albertsons operates under Albertsons banner, Vons
14 banner and Pavilions banner, and all of those stores also
15 that operate in Southern California are covered by our
16 collective bargaining agreement.

17 Q So aside from Kroger and Albertsons, are there other
18 union grocery stores operating in Southern California?

19 A Stater Brothers is a regional chain that operates in
20 Southern California, and we have a collective bargaining
21 agreement with Stater Brothers. Gelson's is also a regional
22 chain in Southern California. There's a small number of
23 stores. There is El Super. Then there are some
24 independents, like one or two stores that operate as well
25 under a union contract.

A. Zinder - D

1 Q So we are speaking the same language, if I say CBA,
2 will you understand that to mean collective bargaining
3 agreement?

4 A Yes.

5 Q Do you have experience negotiating CBAs with all the
6 different union grocery stores in Southern California?

7 A With all the union grocery stores that operate within
8 Local 324's jurisdiction.

9 Q You mentioned Gelson's and you mentioned Stater
10 Brothers, for example. How do those negotiations compare
11 to -- sorry. How do those grocery stores compare to a
12 Kroger or an Albertsons in terms of its size and scope?

13 A Well, Stater Brothers is -- I would say it's similar to
14 some of the Kroger and Albertsons stores in terms of
15 product, variety, and accessibility, but they only operate
16 in certain parts of Southern California. They're not
17 throughout the entire jurisdiction. Gelson's, on the other
18 hand, is more of an upscale market, more higher-priced, a
19 little higher service.

20 Q Okay. How are Gelson's and Stater Brothers' geographic
21 scope? Are they located outside of Southern California?

22 A No. Neither are located outside of Southern
23 California. Stater Brothers is only located in certain
24 parts of Southern California. They don't have any stores in
25 Los Angeles or north. So pretty much half of Southern

A. Zinder - D

1 California, they don't operate. And Gelson's has a small
2 footprint, so it's a spread out of it. But it also doesn't
3 operate in all areas of Southern California.

4 Q Does size and national scope of a union grocery
5 employer impact your collective bargaining negotiations?

6 A It does, because regional companies don't have the same
7 wherewithal, I would say. They don't have the ability to
8 turn to another region of the country to make up -- you
9 know, if there was, for example, a boycott. The regional
10 chains can't look to a different part of the country to
11 offset a temporary loss in business. That's their only
12 source of profits and revenue.

13 Q In your role, in your current role, are you familiar
14 with the term "major grocery employer"?

15 A Yes.

16 Q In your view, what does that mean in the context of
17 union negotiations?

18 A Well, we consider major grocery stores those that have
19 a national presence and are large enough to be able to
20 operate in many areas successfully and with the opportunity
21 to move around product, move around sales figures,
22 et cetera, in order to have the profitability that their
23 owners or shareholders expect.

24 Q Are there other -- any other factors, like density, for
25 example, that make a major grocery employer?

A. Zinder - D

1 A Other than national scope and size, I would say -- just
2 size in Southern California as well. Density and market
3 share is an important factor in the majors.

4 Q You mentioned -- you said the word "density." Can you
5 elaborate on that?

6 A Identity or market share. I mean that they have a
7 presence throughout all of Southern California. All of the
8 different areas that are cities -- well, counties covered
9 under the collective bargaining agreement.

10 Q In Southern California, what union grocery operators do
11 you consider to be majors?

12 A The Kroger, the Ralphs, and the Albertsons banners --
13 Albertsons, Vons, and Pavilions as a group.

14 Q And Ralphs is owned by Kroger?

15 A Ralphs is a Kroger banner, yes.

16 Q Is there such a thing as a minor grocery operator?

17 A We consider the minor grocery operators such as
18 Stater Brothers that don't have the national scope; that
19 they operate just in the region and only part of the region
20 and are self-contained. Everything that they do has to come
21 out of the one area.

22 Q Based on your years of experience, is there any
23 difference in collective bargaining when it involves a major
24 as compared to a minor grocery employer?

25 A Well, I think the difference is that the majors really

A. Zinder - D

1 control. The minors don't have the ability to set the wages
2 and the benefits. They pretty much have to follow the
3 majors, or they're going to get put out of business. So
4 they don't the ability to decide what benefits are going to
5 cost or what benefits are going to be provided. They have
6 to rely on what we're able to negotiate with the majors.
7 And if they were to negotiate something different, they
8 wouldn't be able to provide those benefits because they're
9 through a trust fund -- a multi-employer trust fund that
10 provides the same benefits to everybody, and so the majors
11 control those negotiations on those issues.

12 Q Why is that?

13 A Because they have -- they have the numbers. They have
14 the strength. They have the -- really, they're so large
15 compared to a Stater Brothers or a Gelson's.

16 Q Okay. So the CBAs that's you negotiate with minor
17 grocery employers, do they have an impact on the CBAs that
18 you negotiate with the major grocery employers?

19 A The minor grocery employers generally wait to see what
20 we can negotiate with the major grocery employers. If they
21 negotiate at all independently, there's still aspects of it
22 that they have to wait on the majors. So we couldn't
23 complete the negotiations, because the majors wouldn't
24 accept the terms that the minors agreed to, and the minors
25 aren't going to accept those terms if they find out that

A. Zinder - D

1 they're not going to be able to be profitable or compete
2 successfully.

3 Q By "majors," you mean Kroger and Albertsons?

4 A Correct.

5 Q Ms. Zinder, are you familiar with the concept of
6 leverage in the context of CBA negotiations?

7 A Yes. Very familiar with it. It is the way that we're
8 able to achieve the contracts that we have been able to
9 achieve and the benefits and wages for our members. It's by
10 using the leverage that we have.

11 Q Are there any specific factors that give Local 324
12 leverage today when you negotiate with an employer like
13 Kroger or Albertsons?

14 A Well, we try to leverage them against one another
15 because they're such -- because they compete so closely
16 right now, we're able to -- if we had to strike or boycott
17 or do some kind of disruption at one of them, we know that
18 customers are still going to have a place to shop, and so
19 the company that is targeted is going to be less inclined to
20 lose their customer base, and so that gives us leverage with
21 that targeted company, because they don't want their
22 customers to go over to the other competitor, and they would
23 lose them forever. So when we target them, they helped us
24 to get a collective bargaining agreement because they don't
25 want to be isolated like that.

A. Zinder - D

1 Q So when you think about all the different times in your
2 career that you've bargained or negotiated with Kroger and
3 Albertsons, how often have you had to talk to your -- ask
4 your members to vote a potential strike or to initiate a
5 boycott?

6 A In my career we almost always have to take a strike
7 vote to even get the companies to -- you know, come close to
8 where we need to be. The companies need to see that their
9 employees are strong and united, and it's not just those of
10 us at the bargaining table who are saying, "We need this."
11 But it's really coming from all of their workers, and a
12 strike vote sends that signal. When workers vote to strike,
13 companies know that they may actually go out on strike, and
14 that's what gives us the leverage in that respect. It is
15 the strike. And companies push their employees -- you know,
16 they test their employees, I would say, by making us go
17 through a strike vote.

18 Q Have you been in an actual strike before?

19 A In the grocery industry, I have been, yes. In 2003.

20 Q How long did that strike last?

21 A Four months.

22 Q And you mentioned a boycott. Could you just explain
23 what the concept of a boycott is in the context of a union
24 grocery store?

25 A A boycott is we're not out on strike. The workers

A. Zinder - D

1 aren't walking off the job. They're still working. But
2 when they're not working, they're out in front of their
3 stores asking the customers, who they have relationships
4 with, "Please don't shop here right now, because we need to
5 show our employer that if they forced us out on strike,
6 you'd support us."

7 So a boycott is basically asking the customers for
8 a period of time, "Don't shop here; go to the competitor so
9 that we can demonstrate our strength and hopefully avoid a
10 strike." Because nobody wants to see a strike. So a
11 boycott is leading up to a strike, and it is a very strong
12 message to the companies.

13 Q And you've led boycotts before?

14 A Yes.

15 Q During a strike or a boycott or another type of job
16 disruption, does Local 324 direct customers where to buy
17 their groceries?

18 A We need to have suggested locations that we think are
19 comparable to the store that we're targeting so that
20 customers aren't put in a position of crossing our line and
21 going into the store. So we definitely try to find another
22 union grocery store in the area, and we say, "Please go to
23 shop there right now during this dispute. You'll get the
24 same experience there, and you will have the union
25 employees. You will have the same shopping experience, the

A. Zinder - D

1 same customer service. But for right now, we just ask you
2 to switch your shopping patterns." We hope they'll come
3 back. But they don't always come back. It may be
4 permanent, which is one of the fears that the companies
5 have.

6 Q And I heard you say that you direct customers to a
7 union grocery store. Did I hear you correctly?

8 A Our goal is to direct customers to a union grocery
9 store; to make the shopping experience as comparable as
10 possible. And also, if we are out on strike, we want those
11 other companies to have the business because sometimes then
12 need extra employees, because their business picks up. So
13 when our members aren't picketing, maybe they can pick up
14 some hours to supplement the strike benefits that they're
15 receiving.

16 Q Can you just explain a little bit more about that last
17 point for me.

18 A So, for example, if we were striking at Ralphps, which
19 is a Kroger Company, but we weren't striking at the
20 Albertsons or the Vons, our Ralphps members would be in front
21 of their store picketing for a period of time, different
22 shifts during the day, and they would receive a strike
23 benefit from the union. But it's not the same as getting a
24 paycheck.

25 So during those times we know that the business at

A. Zinder - D

1 the competitor has picked up, because we have sent the
2 customers there. And they're looking for more help in order
3 to serve the customers. So we encourage our members who are
4 on strike: Pick up some hours. If they're looking to hire
5 you, see if you can get a couple of hours, and it will help
6 supplement the strike benefit. It will also help you
7 maintain your benefits, because you need to have an employer
8 that you're working for to maintain your benefits.

9 Q And how does going to work for a union grocery store
10 help maintain union benefits?

11 A The employers are required to contribute to the benefit
12 plan for all of the hours that the bargain unit members --
13 those that we represent -- work. And so if you're working
14 at another union grocery store, you're in the same benefit
15 plan, and so the contributions are going in and your
16 benefits continue, because it's a multiemployer trust fund.

17 Q And if an employer went to go to work for a nonunion
18 grocery store, would they be contributing to a pension fund
19 or a healthcare fund?

20 A No. The benefit plan -- it's a Taft-Hartley benefit
21 plan. It's only for the union, not employers. So another
22 company may have some kind of medical benefits, but they're
23 not anywhere near as comprehensive as the benefits our
24 members get through the trust fund. And I am not aware of
25 any other employer in the grocery industry that is not union

A. Zinder - D

1 that offers a defined benefit pension plan.

2 Q Okay. So we're talking now about striking a union
3 grocery store. But does the ability to just threaten a
4 strike or a boycott impact your negotiations with employers?

5 A Well, that's the goal. That's a much better situation.
6 If Kroger thinks or if Albertsons thinks that we're going to
7 strike, they're more inclined to try to find a solution to
8 avoid the strike. And that would then isolate Kroger, and
9 Kroger would be forced to come along, and that's how we're
10 able to achieve the contract terms that we do, because by
11 threatening to strike, Albertsons is going to be more
12 willing to accede to the demands of their employees.

13 Q Why is the strike threat -- well, why does a strike
14 threat work?

15 A Because the company doesn't want a strike, and so if
16 they really believe it through a threat, then they're going
17 to be more inclined to find a solution. And by "finding a
18 solution," I mean come to the union and try to negotiate a
19 contract based upon what we've been saying at the bargaining
20 table.

21 Q You mentioned that a grocery employer has to really
22 believe that a strike threat is real. Can you just explain
23 to me why that is?

24 A Well, they have to believe their workers are actually
25 going to go out on strike. So they have to believe that

A. Zinder - D

1 their workers are strong and united and ready to go on
2 strike. They also have to believe that customers are going
3 to respect that strike line, and the only way that customers
4 can respect a picket line is if they have an alternative,
5 because customers have to buy their groceries. They have to
6 do their weekly shopping, or whatever. So there has to be
7 someplace to send the customers. And so the strike threat
8 is viable if we not only have the strength with the members,
9 but we also can demonstrate to the employer that they're
10 going to lose business. And if we have to go on strike,
11 they are going to lose business, and their competitor is
12 going to profit off of it.

13 Q And so is that what makes a strike threat or a boycott
14 threat credible?

15 A Yes.

16 Q So, Ms. Zinder, I want to talk to you a little bit more
17 about your experience with prior mergers over your career?

18 A Okay.

19 Q So you have 40 years of experience, which is great.
20 Have you advised workers during prior mergers and
21 acquisitions over that time?

22 A Yes. There has been several mergers and acquisitions
23 in Southern California throughout my career. We told
24 members what their rights are, what their options and
25 opportunities are, so, yes, we advise them of all of that.

A. Zinder - D

1 Q And does your prior experience during mergers and
2 acquisitions, does that include grocery store mergers?

3 A Yes.

4 Q Have prior grocery store mergers affected your mergers?

5 A Yeah. There is always a negative effect on workers
6 during a merger and acquisition. Stores close. Customers
7 don't like a different banner than they're used to. They
8 just think it's a completely different store if they don't
9 see their familiar brands. We had a horrible experience
10 with a merger in 2015 where Albertsons and Safeway merged,
11 and they divested stores to a company called Haggen, which
12 represented to the unions, "We're going to maintain the
13 contracts. We are going to maintain the wages." And our
14 members had a choice whether to stay in their store with the
15 new banner or to exercise their seniority and go to a job in
16 a different store based on -- a different store of the same
17 company based on their seniority.

18 In 2015, we encouraged them, stay in your store.
19 This is a good company. We have been told that this company
20 has a viability that's necessary to be able to operate
21 successfully, and you're comfortable in this store, so stay
22 in this store. And then Haggen within six months filed for
23 bankruptcy and went out of business, and our members --
24 senior members, who we had advised to stay in their store,
25 were put out on the street without anyplace to go.

A. Zinder - D

1 Q Okay. I want to back up a little bit to prior to the
2 Safeway/Albertsons merger in 2015. So prior to that
3 occurring, how many major union grocery employers were there
4 in Southern California?

5 A Prior to that merger, there were three. There was
6 Safeway, there was Albertsons, and there was Kroger.
7 Safeway was operating under the Vons and the Pavilions
8 banners in Southern California.

9 Q So after Albertsons acquired Safeway, how many major
10 union grocery employers operated in Southern California?

11 A Two. Albertsons and Kroger.

12 Q Did the loss of an additional major grocery employer
13 have an impact on your negotiations with grocery employers?

14 A Yes. It gave us less opportunity to -- you know, we
15 didn't have two companies we could leverage. We were stuck
16 with just the one company to leverage, and we had to hope
17 that that company was willing to, you know, accede to the
18 demands when they were threatened with a strike or boycott.

19 Q So you mentioned earlier the divestiture in 2015 to
20 Haggen. Can you tell me more about how the divestiture to
21 Haggen impacted 324's workers?

22 A Members. Yes. So our contract provides that when a
23 new company takes over a store, that employees in that store
24 can either stay there with the new company, and the company
25 will respect all of their seniority and benefits, et cetera,

A. Zinder - D

1 or they can move so that they stay with the company that
2 they have been with for many, many years but at a different
3 store location. They had that choice. Our members had that
4 choice.

5 We advised our members to give this new company a
6 chance; that everything they've said -- that they are going
7 to maintain their seniority; they're going to maintain
8 benefits; they're going to operate, you know, these fabulous
9 retail grocery stores. You all have the same customers
10 because they shop at the neighborhood store, and they know
11 you. So we advised our members in large part to stay with
12 this company. We had been told it's going to provide good
13 union jobs. Then, like I said, within six months -- they
14 never really operated effectively. But within six months
15 they were out of business.

16 Q Is this -- is what you're describing called bumping?

17 A Bumping is when an employee exercises their seniority
18 and decides not stay in the store they are, but rather to
19 stay with the company and to move over to another store.
20 Based upon their seniority, they then bump another employee
21 in that store, and it's a trickle-down through bumping and
22 seniority so that the ultimately affected employee is one of
23 the lower seniority people, as opposed to somebody with
24 greater seniority who can exercise it over others.

25 Q So it sounded, based on your prior testimony, that

A. Zinder - D

1 Local 324 -- that you recommended workers exercise their
2 bumping rights? Did I get that?

3 A No. That they not exercise their bumping rights; that
4 they stay with Haggen.

5 Q All right.

6 A Because they would still have their seniority in this
7 store, and they would still be working with the same people
8 that they would be working with. They would still be
9 serving the same customers. And Haggen, we believed, was
10 going to operate, you know -- be successful and have a good
11 grocery store model. So we advised them at that time don't
12 exercise your bumping rights; give this company a chance; we
13 think it is going to be a good opportunity for you. But
14 they had the bumping right; they just didn't exercise them
15 because we advised them not to, in large part.

16 Q So you did not recommend that your employees exercise
17 their bumping rights. But looking back on that, would you
18 make the same recommendation again if you had to do it all
19 over again?

20 A No. It was a horrible experience. Like I said, we had
21 a lot of members with a lot of seniority who suddenly found
22 themselves without a job, whereas they could have stayed
23 with their company. They didn't. They went with this new
24 company, and they had a lot of years in the industry, and
25 they were out of work.

A. Zinder - D

1 Q So for the proposed acquisition here to C&S, have you
2 looked into or done any kind of assessment into whether you
3 would recommend that Local 324's workers should exercise
4 their bumping rights if the proposed transaction goes
5 through?

6 A We would tell our members that we don't think it's a
7 good idea to stay with this new company, but rather to bump
8 to retain their seniority. That would be our advice to our
9 members. I don't even think we have to give them that
10 advice. There is a very strong memory of what happened in
11 2015 among our members. And even for members who started
12 afterwards, they've heard the stories. They heard about
13 horror stories. So I don't believe senior members would
14 make a choice like that again. They would exercise their
15 bumping rights.

16 Q And have you talked to these workers? Have you
17 listened to what they've said to you about this?

18 A Yes. We've had a lot of meetings since the merger was
19 announced and then -- since the divestiture to C&S was
20 floated. And our members have said, "We don't want to do
21 that. We don't want to take that chance. We have no reason
22 to believe that this company is going to survive, and we're
23 not willing to take that risk." And so we've talked to them
24 about exactly what it means to bump and exercise their
25 seniority.

A. Zinder - D

1 Q Why do you think that your customers -- your workers
2 wouldn't take that risk to work for C&S?

3 A Because they've got too much time in the industry to
4 give all of that up. If somebody was in the middle of their
5 career, it would be basically having to start all over again
6 if they got laid off -- if C&S was not successful or didn't
7 have enough stores in the area and one failed, they'd have
8 no place to go. Our members stay with their companies
9 because of what they've earned and what they've gained.
10 They like their jobs. They really like their jobs, and they
11 really like the fact that because they have been there for a
12 while, they've achieved more over time than they would if
13 they just left and went to someplace else.

14 Q And if 324's workers exercised their bumping rights,
15 would that have an impact on who C&S will be able to hire?

16 A Well, C&S would not have any of the experienced grocery
17 workers if all the senior employees exercised their bumping
18 rights. They would be left with the least senior employees
19 or have to hire new employees, so the experience would be
20 gone. C&S would not have that experienced group of workers
21 when meeting at the store.

22 Q Has Local 324 been approached by C&S with how they
23 expect to replace the lost workers if those workers
24 exercised their bumping rights?

25 A C&S did meet with us. They wanted to have a meeting.

A. Zinder - D

1 They were a little surprised when we told them -- more than
2 a little surprised -- they were very surprised when we told
3 them, "We don't think there is any way that we are going to
4 convince these workers to stay with you. You are going to
5 have to go to the outside." And their only response was,
6 "We're going to do our best to convince them to stay." But
7 I don't think there is a union president in Southern
8 California who thinks that's credible, because we know our
9 members.

10 Q So I want to talk to you a little bit about C&S and its
11 operations today. Have you done any research on C&S?

12 A Yeah. We have done research on C&S and their lack of
13 actual retail experience and also their lack of pharmacy
14 experience, because many of the stores that are on the
15 divestiture list currently have pharmacy. So we searched
16 both of those aspects. And C&S just don't have that
17 experience. They have one pharmacy -- they operate one
18 pharmacy in the whole country, one single pharmacy. And to
19 scale up to what they have to do to operate in Southern
20 California, it's a major hurdle.

21 They also only operate right now 23 grocery stores
22 around the country. They franchised more, but they actually
23 operate 23 grocery stores in Southern California, and they
24 want to acquire 63 more stores. It's hard to imagine how
25 they will be able to successfully compete. They don't

A. Zinder - D

1 have -- they're not acquiring any of the distribution
2 centers in Southern California or in California.

3 Q You mentioned acquiring 63 stores. Does that refer to
4 just the stores in California?

5 A Yes.

6 Q And how do you know all this? Have you spoken to
7 people? What research have you done?

8 A Well, we met with C&S. We've analyzed -- we had our
9 financial analyst analyze C&S. We've talked to Teamster
10 locals who have dealt with C&S, and so we have -- yeah, we
11 have done some extensive research into C&S in terms of their
12 corporate structure and their experience and viability in
13 the retail grocery industry.

14 Q So you already mentioned that C&S is proposing to
15 acquire 63 stores within the state of California. Do you
16 know if that's more or less stores in California than Haggen
17 acquired in 2015?

18 A It's less stores.

19 Q And if Kroger and Albertsons do merge, how many major
20 union grocery employers will there be in California?

21 A One: Kroger.

22 Q Would C&S be a major grocery in Southern California?

23 A No. They would not be a major grocery -- even though
24 they operate throughout the country, they wouldn't have the
25 market share to be a major grocery store. They wouldn't

A. Zinder - D

1 have the density throughout the area. They wouldn't be a
2 company that we could send customers to except in very, very
3 select areas. So they would not constitute a major, and
4 they would not have the ability to use map negotiations as
5 leverage against Kroger.

6 Q I want to pick up on that last point that you said.
7 Based on the information that you've been able to learn
8 about this divestiture and your history with Haggen, do you
9 expect to be able to use a CBA with C&S as a tool to get a
10 better deal out of CBA with the combined Kroger-Albertsons
11 company?

12 A No. We wouldn't be able to do that because Kroger
13 would be such a giant, and they'd operate everywhere. And
14 even if we were to get -- even if we were to get a contract
15 with C&S that was acceptable to our members, Kroger wouldn't
16 pay any attention to it because Kroger knows that they're
17 really not a competitor. They are operating in -- there are
18 63 stores. You're talking about 20,000 square miles or
19 something of Southern California. And people aren't going
20 to travel to do their weekly grocery shopping. I guess
21 people just don't have the wherewithal to do that with busy
22 lives. So people need to have a grocery store close to the
23 grocery store we may be threatening to strike or to boycott
24 in order for us to have any leverage.

25 Q Okay. So based on your experience in negotiations or

A. Zinder - D

1 40 years with grocery employers and your experience with
2 prior grocery store mergers, if Kroger does acquire
3 Albertsons, how do you expect that might impact Local 324's
4 negotiations with Kroger?

5 A Negatively. I think the ability to have successful
6 negotiation and achieve the wages and benefits, the
7 compensation package our members deserve and work so hard
8 for, I think would be very, very hard. Kroger would really
9 have no incentive to -- no reason to want to provide more
10 than the very minimal. You know, we've had this experience
11 with other locals around the country where Kroger is the
12 only company, and our collective bargaining agreements are
13 so much superior to theirs, because we have the two
14 companies to leverage.

15 Q So based on this experience, do you expect that the
16 acquisition today will affect your ability to credibly
17 threaten a strike or a boycott?

18 A If the acquisition were to go through, the credibility
19 of the threat would be minimized. It would be de minimis.
20 Kroger wouldn't have -- believe it, because they would know
21 that it's very hard to get the customers' support because
22 the customers would have no place to go. And a strike or a
23 boycott is effective in large part because the customers
24 aren't going in, and the business declines. It has an
25 impact on the business.

A. Zinder - D

1 Q And based on your experience will the proposed
2 divestiture to C&S allow you to successfully leverage C&S
3 against Kroger?

4 A No. We wouldn't be able to, because Kroger would not
5 make any changes to their bargaining stance because of the
6 CVS contract. Even if we were able to negotiate something,
7 Kroger will not pay attention to -- Kroger does not care
8 what a small employer negotiates. They know they have a
9 much greater market share throughout Southern California,
10 and they're going to be able to withstand any kind of work
11 disruption.

12 Q And based on your experience, do you expect that the
13 proposed acquisition will affect the types of terms you can
14 negotiate on behalf of the union and grocery workers?

15 A Yes. Because Kroger would be the only negotiator,
16 really, especially on the health and welfare and pension
17 where they would have all of the control almost on the trust
18 funds. We wouldn't be able to negotiate the best benefits,
19 because Kroger would have no reason to accede to worker
20 demands.

21 Q Do you expect the proposed acquisition will affect the
22 wages or benefits you're able to negotiate on behalf of
23 union grocery workers?

24 A Yes. For the same reason.

25 Q And what would that impact be?

A. Zinder - X

1 A The impact will be that wages of our members don't keep
2 up with inflation; that it's harmful to our members. We
3 don't even know if we would be able to maintain the same
4 level of medical benefits. It would -- all around, it could
5 be harmful if there's only one company that is making all of
6 the decisions in terms of the compensation package.

7 Q In your 40 years of representing grocery store workers,
8 have you ever seen a grocery store merger that has benefited
9 your workers?

10 A No, I haven't. There is always -- there is always --
11 in my experience, there has been a loss of business, which
12 adversely affects members. There's less employers to
13 negotiate with. All around the effect on our members has
14 not been good for the many years of acquisitions.

15 MR. HAMBURGER: Your Honor, I have no more
16 questions for the witness.

17 MR. PERRY: May I proceed, Your Honor?

18 THE COURT: Yes.

19 CROSS-EXAMINATION

20 BY MR. PERRY:

21 Q Ms. Zinder, my name is Mark Perry. I'm one of the
22 attorneys representing Kroger. We have not had the pleasure
23 of making each other's acquaintance. Good afternoon.

24 A Good afternoon.

25 Q I look forward to our conversation.

A. Zinder - X

1 MR. PERRY: Before I start, Your Honor, may I have
2 my colleague pass out some binders?

3 THE COURT: Yes.

4 MR. PERRY: Thank you.

5 May I proceed, Your Honor?

6 THE COURT: Yes.

7 MR. PERRY: Thank you.

8 BY MR. PERRY:

9 Q Ms. Zinder, you mentioned that you've had 150 or more
10 negotiations, correct?

11 A In all the industries that we represent, yes.

12 Q You're an experienced negotiator?

13 A Yes.

14 Q And you put together skilled negotiation teams to
15 attempt to secure the best possible contracts for your
16 members, right?

17 A Yes.

18 Q That means you and your team use all the resources and
19 tactics that are available to you under the federal and
20 state laws governing employment and collective bargaining,
21 right?

22 A Yes.

23 Q And many times you've negotiated contracts in the
24 grocery industry and elsewhere, and you've used a number of
25 different tactics, right?

A. Zinder - X

1 A That's correct.

2 Q Unions generally have a number of different tactics to
3 bring to the bargaining table?

4 A I'm not really sure I understand the question. I'm
5 sorry.

6 Q Fair enough. Let me unpack it for you. One of the
7 tactics you mentioned earlier today talking to my friend,
8 Mr. Hamburger, for example, was using your members'
9 relationships with customers to put pressure on employers,
10 correct?

11 A Correct.

12 Q That's a tactic, right?

13 A Correct.

14 Q Sometimes called leverage?

15 A We call it leverage, yes. It's part of the leverage.

16 Q Part of the leverage. A tactic or a tool, a means of
17 asserting pressure is leverage. Do we have a common lexicon
18 here?

19 A Yes.

20 Q Another tactic that your union might use is garnering
21 community support, correct?

22 A Correct.

23 Q You could point to local laws, like if a state enacted
24 a minimum wage law for a certain industry, you might point
25 to that in a bargaining contract for another industry,

A. Zinder - X

1 right?

2 A We might point to it.

3 Q You might formulate your proposals based on the
4 financial performance of the employer, right?

5 A Yes.

6 Q You are going to bring to the table -- the bargaining
7 table -- information from contract settlements from all
8 around the country, right?

9 A Southern California usually sets the standard, so we
10 haven't had to use other collective bargaining agreements
11 around the country. I think they have turned to us more
12 than we've turned to them.

13 Q Let's take that in two pieces. I appreciate that
14 clarification. First, you and the other union locals around
15 the country, speaking of UCFW, you share information about
16 contract settlements across the country, right?

17 A Yes.

18 Q And you know what people are doing in other
19 jurisdictions or geographies or areas, correct?

20 A I have access to that information.

21 Q And they know what you're doing in Southern California?

22 A They have access to that information.

23 Q And you have access to that information for the grocery
24 industry across the nation, correct, for other retailers?

25 A For the unionized industry, yes.

A. Zinder - X

1 Q You also have access to that information for
2 non-grocery unionized employers across the country
3 represented by UFCW locals, correct?

4 A Such as Rite-Aid or CVS, yes.

5 Q Correct. You looked to that information as well and
6 you share that information, correct?

7 A During those negotiations, yes.

8 Q One of the tactics you might use or your colleagues
9 around the country might use is "leveraging," to use your
10 term, the terms and conditions negotiated at one bargaining
11 table to another bargaining table, right?

12 A In the retail grocery industry with -- from a major to
13 a minor. So if we negotiated a contract with Kroger and
14 Albertsons, we would definitely use that when we approach
15 Gelson's or Stater Brothers.

16 Q And if a contract were negotiated somewhere else in the
17 country that had a term that you didn't have in Southern
18 California, you might look to that for your next round of
19 negotiations, right?

20 A We might propose a term that another area has
21 negotiated. It doesn't necessarily give us any leverage,
22 but we definitely might bring it to our members and the
23 employer's attention.

24 Q And I appreciate that clarification too, because some
25 information is just information, right, and some information

A. Zinder - X

1 gives you leverage. Do we agree with that distinction?

2 A Yes.

3 Q And when you're a negotiator, you -- your job is to
4 bring whatever leverage that's available at the time of that
5 negotiation to bear on that particular bargaining agreement,
6 right?

7 A That's correct.

8 Q When you're doing that -- and I'm going back to tactics
9 now, Ms. Zinder, you might utilize earned media as part of
10 your bargaining leverage, right?

11 A We use earned media as part of our escalation plans.

12 Q And you use social media?

13 A We use social media as of late, yes. We haven't
14 always. But in the last three or four-years we've used
15 social media.

16 Q You publish material on your blog and website, right?

17 A We write articles, yes.

18 Q You hold press conferences?

19 A Yeah. We occasionally hold press conferences, yes.

20 Q You may lobby or meet with public officials in an
21 attempt to influence public affairs?

22 A We have relationships with local officials and state
23 officials that we talk to on occasion about the status of
24 negotiations.

25 Q You coordinate with the international. I think you

A. Zinder - X

1 discussed that with Mr. Hamburger earlier today, right?

2 A We are in contact with the international.

3 Q The international shares information with locals,
4 correct?

5 A The international gives us whatever information they
6 have if we ask for it.

7 Q Other tactics available to you in negotiating with
8 employers include picketing. You mentioned that earlier
9 today, right?

10 A Correct.

11 Q Boycotts?

12 A Correct.

13 Q One form of boycott is called a floating boycott,
14 right? You have done that at Local 324?

15 A I don't think I have used the word "floating."

16 Q Store by store --

17 A Roving?

18 Q Roving.

19 A We have had roving boycotts. We go from one Kroger
20 store to another Kroger store, for example.

21 Q And all of those tactics that we just talked about,
22 Ms. Zinder, are available to Local 324 in a post-merger
23 world, right? You're not disputing any of that?

24 A I don't know what you mean by "available." I mean,
25 they won't have the same impact.

A. Zinder - X

1 Q I didn't ask that question. I'll be precise, if you
2 will. Is that a bargain?

3 A I don't know. I need to understand the question -- I'm
4 sorry -- I really do. Being available and what we would use
5 are two different things. You just want to know what's
6 available?

7 Q Available. Would any of those tactics disappear in a
8 post-merger world?

9 A No. I don't think so.

10 Q And the union would not be precluded from using any of
11 those tactics in a post-merger world, correct?

12 A Assuming the laws don't change between today and the
13 post-merger world, yes.

14 Q And, you know, God willing, the sun don't shine, we
15 hope the law doesn't change --

16 A The laws change a lot.

17 Q The merger is not going to change any of those tactics?

18 A We can still use all of those tactics. I don't know
19 that we would get the same impact, but we can still use all
20 of those same tactics.

21 Q Fair enough. Thank you, Ms. Zinder.

22 Now, the available tactics to your union include
23 the threat of strikes. You talked about that at some length
24 with my friend, yes?

25 A Yes.

A. Zinder - X

1 Q In fact, from your perspective in both the pre-merger
2 world and post-merger world, Local 324's leverage is often
3 mostly the threat of a strike, right? Your main source of
4 leverage?

5 A That is a big source of leverage.

6 Q In fact, I think you mentioned this morning or this
7 afternoon that you almost always take a strike vote. Did I
8 hear that right?

9 A We almost always have taken a strike vote in the
10 grocery industry, yes, with these companies; not necessarily
11 with some of the minors.

12 Q And that would be available to you in the post-merger
13 world?

14 A We have the ability to take a strike vote of our
15 members.

16 Q And a union may also, in the list of tactics that we
17 are building here together, Ms. Zinder, you can also go on
18 strike, right?

19 A We can go on strike once the contract expires.

20 Q Once the contract expires. Thank you. Because the
21 contract -- the Southern California contract has a no-strike
22 clause, right, during the term that it's in effect?

23 A Correct.

24 Q And that remains true in a post-merger world, right?

25 A Correct.

A. Zinder - X

1 Q Are you aware, Ms. Zinder, of the distinction between
2 an unfair labor practice strike and an economic strike?

3 A Yes.

4 Q Would you explain to the Court what that is in your
5 experience as the president of Local 324 with 40 years of
6 bargaining experience?

7 A Yes. An unfair labor practice strike is where our
8 members go out on strike over the commission of unfair labor
9 practices by the employer. Generally speaking, the gravity
10 of the unfair labor practices interferes with our ability to
11 get a contract, and our members vote to go on an unfair
12 labor practice strike. An economic strike is a strike over
13 the offer that the employer is making; the economics of the
14 offer; the terms of the offer.

15 Q The terms. The wages and benefits on the table, right?

16 A Correct.

17 Q Now, I think you said this earlier: Isn't it true that
18 the last time that Local 324 went on strike against a
19 grocery retailer was in 2003?

20 A Yes.

21 Q That was obviously over 20 years ago, right?

22 A Yeah. It didn't end in 2004, but yes.

23 Q Fair enough.

24 A But it was over 20 years ago. It settled in early
25 2004.

A. Zinder - X

1 Q After 140-some days, right?

2 A Right.

3 Q Was that an unfair labor practice strike or an economic
4 strike?

5 A Economic strike.

6 Q Employers generally like to avoid strikes. You would
7 agree with that?

8 A Generally, yes.

9 Q One reason is they lose money, right?

10 A They lose money, market share, business, yes.

11 Q Money, market share, business. It disrupts their
12 operations, right?

13 A Correct.

14 Q It may interfere with their relationships with both
15 customers and employees, right?

16 A Correct.

17 Q Spoilage of product is a concern, right?

18 A By the employers, yes.

19 Q The employers, yes. I'm focusing on the employers
20 here. Thank you for the clarification.

21 It can damage an employer's reputation, right?

22 A Yes.

23 Q And all of those things we just talked about --
24 customer relationships, associate relationships, spoilage,
25 reputation -- those are all true in a post-merger world,

A. Zinder - X

1 right?

2 A Yes.

3 Q Now, your members, Ms. Zinder, Local 324 in
4 Southern California, they work for a number of different
5 industries, right?

6 A Correct.

7 Q Retail, food, drug, healthcare, manufacturing?

8 A Correct.

9 Q And you agree as a general matter that the more members
10 on whose behalf the union is negotiating, the greater the
11 union's negotiating leverage, correct?

12 A The more members in the industry generally, that is
13 correct.

14 Q In fact, an increase in leverage is one of the reasons
15 why unions want to increase their membership, correct?

16 A It's one of the reasons. It gives us more market share
17 power.

18 Q From the union's perspective now we're talking about?

19 A Right.

20 Q Yes. Thank you again for the clarification.

21 You believe, in your capacity as president of
22 Local 324, that you gain maximum leverage at the bargaining
23 table based on the strength and unity of your members,
24 right?

25 A Yes.

A. Zinder - X

1 Q Now, Local 324 engages in multi-union bargaining,
2 right?

3 A That's correct.

4 Q Seven locals ban together in Southern California. Do I
5 have that right?

6 A Are you talking about the retail grocery industry?

7 Q Yes, ma'am.

8 A Yes.

9 Q Thank you. Together they represent about 47,000
10 employees at Kroger and Albertsons. Do I have that right?

11 A Yes. That's correct.

12 Q And that's about twice the membership of your local?

13 A Yes.

14 Q And it's precisely, in your view, Ms. Zinder, because
15 of the large number of members, that Local 324 has been so
16 successful in negotiating favorable contracts, correct?

17 A Because of a large number of members and the number of
18 employers and market share, yeah.

19 Q And you said two things there. Let me break them
20 apart. You do agree though, right, that precisely because
21 of the large number of members, that Local 324 has been so
22 successful in maintaining the pay and benefits, as it
23 stands, the envy of the rest of the country, right?

24 A The number of members in the unionized industry, which
25 consists of several employers right now, yes.

A. Zinder - X

1 Q Let's take a look at the document. There is a document
2 in the book, if you could look at it. It is DX2840. It
3 should be the first tab.

4 Do you see that?

5 A I do.

6 Q Do you recognize this document, ma'am?

7 A I do.

8 Q This is a printout from your website, right. It's more
9 about unions. It is part of the New Member Handbook, and it
10 is authored by you, right, Andrea Zinder?

11 A That's correct.

12 Q And this is from 2024, correct?

13 A This precedes 2024. I don't know the date of this, but
14 we didn't create this in 2024.

15 Q I apologize. The next one is 2024. This one, you did
16 write or approve this?

17 A I did.

18 Q In the ordinary course of business for the benefit of
19 your members, right?

20 A That's correct. When it was written, I definitely
21 approved it.

22 MR. PERRY: Your Honor, we would move the
23 admission of Defendant's Exhibit 2840.

24 MR. HAMBURGER: No objection.

25 THE COURT: It will be received.

A. Zinder - X

1 BY MR. PERRY:

2 Q You will see down below the chart, Ms. Zinder, there is
3 a sentence that begins, "It is precisely because."

4 "It is precisely because of the large number of
5 union members that Local 324 has been so successful in
6 maintaining the pay and benefits that stands as the envy of
7 the rest of the country."

8 Do you see that?

9 A I do.

10 Q It's a short document. Let's take a look. Tell me
11 where it something about multiple employers.

12 A You want me to read the document right now to see if it
13 says that? I don't know that that is a necessary factor
14 when we talk to members about the benefits of unionization,
15 which is what the handbook is for.

16 Q I understand. So when you told your members the source
17 of your power, and the reason you have these great
18 contracts, you didn't mention the point that you're making
19 in court today. That's your testimony, right? I
20 understand --

21 A I didn't mention market share? Is that your question?

22 Q That's correct.

23 A In this document? I don't see it there.

24 Q Now, once this merger closes, Ms. Zinder, will Local
25 324 represent more or fewer Kroger employers than it does

A. Zinder - X

1 today?

2 A Assuming that Kroger acquires Albertsons, then I
3 believe we would have more overall Kroger members.

4 Q Now, Local 324 has previously consented to
5 multi-employer bargaining -- not today, to be clear; in the
6 past, correct?

7 A Yes. We are a multi -- in the past we have had
8 multi-employer bargaining units, but it is not -- it is not
9 an issue that we consent to. It is an employer's option,
10 and it is not our decision. So "consenting to," I don't
11 think is accurate.

12 Q The master food agreement was in fact consented to by
13 the union including Local 324?

14 A Well, we did sign it, but it was employer's decision to
15 negotiate jointly at that time, and it is a decision that is
16 left to employers.

17 Q And you didn't -- Local 324 didn't withdraw from that
18 bargaining negotiation, right?

19 A We did not -- our members had contracts that were
20 expiring, so we continued to negotiate based upon whoever
21 they had at the bargaining table, because that is their
22 legal right.

23 Q And you signed that agreement?

24 A We did sign that agreement.

25 Q And even if there is not multi-employer bargaining,

A. Zinder - X

1 which you just described, you agreed that the employers
2 continued to negotiate in coordinated bargaining, right?

3 A They do. I don't have the option to say that you can't
4 sit at the bargaining table with your competitor.

5 Q And regardless of the structure on the employer's side,
6 you will certainly agree with me, Ms. Zinder, will you not,
7 from the union's side -- your side -- the union would agree
8 to a collective bargaining agreement only if it's in the
9 best interest of its membership?

10 A We recommend the agreement if we think if it is the
11 best interest, and then it is up to the members.

12 Q Thank you for that clarification. You would only
13 recommend approval of a collective bargaining agreement if,
14 in your view, as leadership of the union, it was in the best
15 interest of the members?

16 A That's correct.

17 Q I'm going to shift gears now, Ms. Zinder, fair warning.
18 This is an antitrust case. Do you understand that?

19 A I understand that, yes.

20 Q You're not an economist, right?

21 A No.

22 Q You did have a financial analyst or an economic analyst
23 assist you in preparing for this case, right?

24 A We have worked with a certified financial analyst since
25 the merger was announced, so in all aspects of our analysis

A. Zinder - X

1 and position.

2 Q You testified for a little over an hour with
3 Mr. Hamburger here today right here in federal court?

4 A I don't know the timing.

5 Q The time is not clear. You testified.

6 A It's hard to say.

7 Q In your testimony, Ms. Zinder, you did not bring to the
8 Court any studies, data or analysis, hard numbers regarding
9 the effects of this merger on your union or your union's
10 members, correct?

11 A Other than what I know?

12 Q No, I didn't ask you that question. Let's be clear.
13 We'll be fair to each other. We are bargaining, okay. You
14 did not bring to the Court, show her, show Her Honor,
15 admitted to evidence any data, studies, or economic analysis
16 regarding this merger?

17 A I did not.

18 Q In fact, at the time you were deposed in this case,
19 just a couple of months ago, your union has not produced any
20 such studies, right? Do you remember you were asked that
21 question?

22 A Produced to who?

23 Q You had not created any such studies?

24 A We had not created any formal studies about that,
25 correct.

A. Zinder - X

1 Q And you haven't attempted to quantify -- you understand
2 what that word means? "Quantify."

3 A I do.

4 Q You haven't attempted to quantify the leverage that
5 might be added or subtracted by the merger to your side of
6 the bargaining table, have you?

7 A No. I would say it's experience. I wouldn't say it's
8 an analytical quantification. But it's a lot of experience
9 that I bring.

10 Q I appreciate that. You bring experience and not
11 analytical quantification. That's your testimony, right?

12 A I don't have that skill level. We do use financial
13 analysts and data analysts.

14 Q But you didn't bring any of that to court today, and
15 your counsel didn't introduce it into evidence?

16 A I don't believe they introduced it into evidence. I
17 haven't looked at all of the documents, and I wasn't here
18 for opening statements.

19 Q Only your testimony matters today, Ms. Zinder.

20 A Okay. I didn't bring it. I didn't bring it. You
21 asked me if counsel didn't bring it. I didn't bring it.

22 Q Thank you. Now, I would like to ask you about
23 something you said earlier. Mr. Hamburger said -- you said
24 the CBAs that you have been able to achieve in Southern
25 California are better than those in the rest of the country

A. Zinder - X

1 where Kroger is the only union employer. That's not a
2 direct quote. That was the gist of it. Do I remember that
3 correctly?

4 A That's been my experience, yes.

5 Q So your testimony -- I just want to make sure I
6 understand this, Ms. Zinder. In Southern California where
7 you have Kroger and Albertsons, you have certain outcomes in
8 your CBAs, right?

9 A Yeah. We have -- the collective bargaining agreement
10 is the outcome.

11 Q And the collective bargaining agreement recites the
12 terms and conditions, including the wages and benefits of
13 the members?

14 A Correct.

15 Q And there are other collective bargaining agreement
16 across the country, and some of those are in jurisdictions
17 where Kroger is the only union grocery retailer; is that
18 correct?

19 A Yes.

20 Q And those collective bargaining agreements would also
21 reflect the terms and conditions available to members,
22 correct?

23 A That's correct.

24 Q Including wages and benefits?

25 A That's correct.

A. Zinder - X

1 Q You have done no financial analysis, data, analytical
2 quantification, to use your term from a minute ago,
3 comparing those collective bargaining agreements in those
4 two jurisdictions that I just described, correct?

5 A I have seen the collective bargaining agreements from
6 some of the local unions that only negotiate with one of the
7 employers, and they are inferior to ours.

8 Q You have seen some of them. That's your testimony,
9 right?

10 A I have seen some of them, but I have also heard from
11 our international that ours are the best
12 collective bargaining -- California has some of the best --
13 the West Coast has some of the best collective bargaining
14 agreements.

15 Q But you haven't seen all of them?

16 A I personally have not seen all of them. That's
17 correct.

18 Q And you have not done an analytical quantification?

19 A I have not.

20 Q Thank you very much.

21 Before working with the FTC on this case you had
22 never heard the term "CBA area," correct?

23 A I was not familiar with that term.

24 Q In fact, CBA area is not a term you use in the ordinary
25 course of your job as president of Local 324, correct?

A. Zinder - X

1 A We use the term CBA jurisdiction.

2 Q And that refers to the scope of the bargaining unit
3 established by the CBA or recognized under the CBA, correct?

4 A That's correct.

5 Q The scope of the CBA can vary widely. Do you agree
6 with me? The geographic scope?

7 A Yes.

8 Q Local 324 is a party to approximately 70 different
9 CBAs?

10 A Approximately. They come and go because we represent
11 some industries, which are just establishing.

12 Q The CBA with Ralphs covers stores that are hundreds of
13 miles apart, correct?

14 A Yes.

15 Q It covers stores that are as far down as the Mexican
16 border over to Arizona over to Bakersfield, right?

17 MR. HAMBURGER: Objection, Your Honor. Outside
18 the scope of my direct.

19 THE COURT: Sustained.

20 BY MR. PERRY:

21 Q You testified in response to Mr. Hamburger's questions
22 that employees like to live close to where they work.

23 Do you remember that?

24 A I don't remember having that question today.

25 Q We can pull it up. You referred -- well, it doesn't

A. Zinder - X

1 matter. Do you agree that employees prefer to live close to
2 where they work?

3 A Yes.

4 Q Of course. In fact, you've negotiated transfer
5 restrictions in some of the CBAs you've negotiated, right?

6 A Yeah. Our contracts have a mileage restriction where
7 employers can force somebody to transfer.

8 Q Is there a number that you typically try to negotiate
9 for in Southern California on that mileage restriction?

10 MR. HAMBURGER: Objection, Your Honor. This is
11 also outside the scope of my direct.

12 MR. PERRY: Your Honor, it is not --

13 THE COURT: I'm going to allow him. That was
14 asked about some of the things that they wanted.

15 MR. PERRY: Thank you, Your Honor.

16 BY MR. PERRY:

17 Q Do you have a number for the transfer restriction that
18 you typically try to secure for the bargaining agreements
19 that you negotiate as president of Local 324 in Southern
20 California?

21 A So our contracts have had a 25-mile transfer
22 limitation. We have tried to negotiate something less than
23 25 miles, because 25 miles in Southern California can be
24 quite a distance because of traffic, et cetera. But we have
25 not been successful, so our contracts still provide -- our

A. Zinder - X

1 retail food contracts still provide for 25 miles.

2 Q Thank you. We're almost done, I promise. When you
3 were negotiating these contracts for either mileage or for
4 wages or for other benefits, you, as president of Local 324,
5 looked to the terms in collective bargaining agreements for
6 non-grocery employers, correct?

7 A I'm familiar with the terms outside of the grocery
8 industry when I negotiate contracts, because I've negotiated
9 many of them or most of them.

10 Q If I could show you a document, Ms. Zinder. It is
11 DX2955. Do you recognize this document? It is the second
12 tab in your book.

13 A Yes. Am I looking at the whole document?

14 Q I'm only going to ask you about the president's
15 message, which is on page 3.

16 MR. PERRY: I need to inform Her Honor what it is
17 first.

18 BY MR. PERRY:

19 Q This is the online magazine of Local 324, correct,
20 U Magazine, from June 2024?

21 A That's correct.

22 THE COURT: Counsel, there seems to be a tab
23 missing, because I understand she is saying there is a large
24 document attached to it.

25 MR. PERRY: Your Honor, a tab may have been

A. Zinder - X

1 omitted from the binder. DX2955 is only about ten pages
2 long, and then there is a deposition transcript behind that
3 is not part of the exhibit. It is a totally separate
4 document. Thank you very much for the clarification.

5 BY MR. PERRY:

6 Q I'm only asking you about the color document, which is
7 your magazine. Do you have it?

8 A Yes.

9 Q On page 3 is your picture, and it says, "Message from
10 your president"?

11 A That's correct.

12 Q And you approved this before it went out, right?

13 A I did.

14 Q It says: For example, four big contracts are going be
15 expiring in June 2024 -- Food 4 Less on June 8th; Disney on
16 June 16th; CVS on June 30th. And then after that, on
17 July 20th, a RiteAid?

18 A Yes.

19 Q You write: "This round of negotiations with these four
20 national companies will not only impact our members who work
21 for these corporate giants, but they will also affect all
22 Local 324 members?"

23 Did I read that right?

24 A Yes.

25 Q And you agree with that statement?

A. Zinder - X

1 A I do.

2 Q And then it goes on, "Food 4 Less, a division of
3 Kroger, will clearly have an impact on our retail food
4 negotiations next year, but the outcome of negotiations with
5 the other companies will as well."

6 Did I read that correctly?

7 A Where? I'm assuming you did. I don't see it.

8 Q I did. Do you agree with the statement?

9 A Yes.

10 Q Okay. Very good.

11 MR. PERRY: Your Honor, I move the admission of
12 DX2955, which was prepared in the ordinary course of
13 business and authored by Ms. Zinder.

14 MR. HAMBURGER: No objection.

15 THE COURT: It will be received.

16 MR. PERRY: Thank you, Your Honor.

17 BY MR. PERRY:

18 Q Final bit, Ms. Zinder. You testified earlier that you
19 visited a number of Kroger and Albertsons stores, correct?

20 A That's correct.

21 Q You are generally familiar with the workforce at Kroger
22 and Albertsons stores?

23 A In Local 324's jurisdiction, yes.

24 Q And you spent quite a while talking with Mr. Hamburger
25 about meat cutters. Do you recall that?

A. Zinder - X

1 A I do.

2 Q What percentage of Kroger and Albertsons employees in
3 Local 324's jurisdiction are meat cutters, Ms. Zinder?

4 A Of our retail members or of all of our members?

5 Q All of your members.

6 A All of our members? Of our 22,000 members? They are a
7 small percent. I don't know. Maybe 2 or 3 percent maybe.
8 I'm really guessing right now.

9 Q It's a very small number?

10 A It's a very small number.

11 Q Do you know what percentage of Kroger and Albertsons
12 retail employees are hourly?

13 A All of the employees that we represent are hourly.

14 Q Do you know what percentage of them do not have the
15 special skill requirements that you discussed with
16 Mr. Hamburger?

17 A Maybe -- maybe 60 percent.

18 Q If Kroger came to you as president of Local 324 with a
19 CBA proposal that included worse economic terms for
20 employees, would you recommend -- in a post-merger world
21 would you recommend that your members approve it?

22 A That had takeaways from our members? Is that what you
23 are saying?

24 Q Yes.

25 A You say "worse"? You're talking about things that

A. Zinder - ReD

1 they're trying to eliminate from the contract?

2 Q Yes, ma'am.

3 A No. Probably -- probably not, unless there is some
4 circumstances that I can't anticipate.

5 MR. PERRY: Thank you. No further questions.

6 THE COURT: Any redirect?

7 MR. HAMBURGER: Just a few small questions,
8 Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. HAMBERG:

11 Q So, Ms. Zinder, I promise it will be short. You
12 testified with Mr. Perry about the research that you did and
13 the union, of course, did for you about the impact of this
14 merger between Kroger and Albertsons.

15 Do you recall that?

16 A Yes.

17 Q And Mr. Perry asked you about some of the work of a
18 financial analyst.

19 Do you recall that?

20 A I do.

21 Q Did the research that was conducted and the financial
22 analyst -- analysis that you received, did that help form
23 the basis of the testimony today?

24 A Yes.

25 MR. PERRY: Objection, Your Honor. We asked for

A. Zinder - ReD

1 that information. They refused to provide it. I
2 established that she didn't bring it to court. That was --
3 that's the objection. Lack of foundation.

4 MR. HAMBURGER: Your Honor, may I be heard?

5 THE COURT: May you what?

6 MR. HAMBURGER: I was just asking if I could be
7 heard.

8 THE COURT: Yes.

9 MR. HAMBURGER: Mr. Perry opened the door to that
10 question by raising it on his cross-examination. That's why
11 I asked it.

12 THE COURT: But he actually raised a different
13 issue.

14 MR. HAMBURGER: My question was just about whether
15 the research that was done has helped form the basis of her
16 opinion that was given to Mr. Perry today.

17 THE COURT: I'm sustaining the objection.

18 BY MR. HAMBURGER:

19 Q Okay. One more question: Mr. Perry also asked you
20 about certain tactics that might technically be true and
21 available to the union post-merger. Will those tactics have
22 the same effect after Kroger acquires Albertsons?

23 A No. I don't believe they would, because as I stated
24 earlier, a strike isn't -- is much less effective if
25 consumers don't have another place to shop that is not on

T. Schwilke - D

1 strike that provides similar services, product, et cetera.
2 If Kroger was the only employer in one area, we wouldn't
3 have that opportunity to send customers elsewhere, and so it
4 wouldn't have the same impact. It would be lessened.

5 MR. HAMBURGER: No further questions.

6 THE COURT: You can step down. Thank you.

7 We are going to take our afternoon break. We will
8 return at 3:38.

9 (Recess.)

10 (Proceedings resumed:)

11 THE COURT: Please be seated. You may call your
12 next witness.

13 MR. BRYSON: Good afternoon, Your Honor.

14 Alex Bryson on behalf of the Federal Trade
15 Commission.

16 THE COURT: Good afternoon.

17 MR. BRYSON: I would like to call Mr. Thomas
18 Schwilke with Kroger Company.

19 (The witness was duly sworn.)

20 THE CLERK: Thank you. Please have a seat. Would
21 you please state your name for the record, spelling your
22 last.

23 THE WITNESS: Tom Schwilke. T-O-M,
24 S-C-H-W-I-L-K-E.

25

T. Schwilke - D

1 DIRECT EXAMINATION

2 BY MR. BRYSON:

3 Q Good afternoon, Mr. Schwilke. I'm Alex Bryson. I'm
4 over here. I'm an Attorney General with the Federal Trade
5 Commission. I don't believe we have met before today. It
6 is good to meet you.

7 A Good to meet you.

8 MR. BRYSON: Your Honor, may we approach with
9 binders?

10 THE COURT: Yes.

11 BY MR. BRYSON:

12 Q Mr. Schwilke, who is your current employer?

13 A Kroger.

14 Q What's your current title at Kroger?

15 A President of Ralphps.

16 Q Ralphps is a Kroger banner that operated in California,
17 correct?

18 A Yes. Southern California.

19 Q Southern California. Thank you for the clarification.
20 California is a big state.

21 Ralphps operates supermarkets in Southern
22 California, correct?

23 A Yes.

24 Q And you have got roughly 183 supermarkets that are
25 Ralphps division; is that correct?

T. Schwilke - D

1 A Yes.

2 Q I'm going to ask you a few questions about your stores
3 now. In terms of size, Ralphp stores range from 20,000
4 square feet to about 70,000 square feet, correct?

5 A Yes.

6 Q And most Ralphp stores are in that 40,000 square foot
7 range; is that right?

8 A Yes.

9 Q In fact, you view a store that is 33,000 square feet or
10 under, it is undersized for a Ralphp store, right?

11 A Yes.

12 Q Because either a bigger store or one that is larger
13 than 33,000 square feet gives you the opportunity to have
14 more product variety and selection, right?

15 A Yes.

16 Q In your opinion, the optimal size for Ralphp is about
17 50,000 square feet, correct?

18 A Yes.

19 Q Now, within your stores, Ralphp offer between 40,000 or
20 50,000 stock keeping units, or SKUs, correct?

21 A Yes.

22 Q And for clarity's sake, what is a stock keeping unit or
23 a SKU?

24 A It is any unit you have on the shelf that you can
25 purchase.

T. Schwilke - D

1 Q For these 40- to 50,000 SKUs, Ralphs has several
2 departments in each of its stores, including a variety of
3 foods such as dairy, frozen foods, natural foods, general
4 merchandise, health and beauty care, deli, bakery, meat,
5 seafood, produce, and floral, correct?

6 A Yes.

7 Q Did I miss any there?

8 A No.

9 Q And Ralphs offers fresh meat, right?

10 A Yes.

11 Q Fresh seafood?

12 A Yes.

13 Q Fresh produce?

14 A Yes.

15 Q And at Ralphs, customers are able to come in and
16 inspect the fresh produce before purchasing it, right?

17 A Yes.

18 Q You would agree that some shoppers value to be able to
19 come in and inspect that produce, such as tomatoes, before
20 actually making a purchase, correct?

21 A Yes.

22 Q Ralphs offers fresh baked goods?

23 A Yes.

24 Q Would you provide some example?

25 A French bread is fresh backed, cookies, muffins.

T. Schwilke - D

1 Q Ralphs also offers custom cake decorating services?

2 A Yes.

3 Q You offer pet food and supplies?

4 A Yes.

5 Q Are you familiar with the term "full-service deli
6 cases"?

7 A Yes.

8 Q What are those?

9 A Anything that a clerk from behind the counter -- it's
10 under glass -- serves the customer.

11 Q And Ralphs stores offer full-service deli cases for
12 meat, cheese, and salad, right?

13 A Yes.

14 Q Ralphs also offers household products and cleaning
15 supplies, like dishwashing detergent and garbage bags,
16 correct?

17 A Yes.

18 Q Ralphs also offers health and beauty products, shampoo,
19 conditioner, and deodorant, correct?

20 A Yes.

21 Q Now, for a particular type of product, Ralphs typically
22 sells more than one brand of that product, correct?

23 A Depending, but yes.

24 Q Could you just give an example of a type of product
25 where there would be more than one brand?

T. Schwilke - D

1 A Ketchup.

2 Q What are some of the brands?

3 A Hunts, Heinz, Kroger, Simple Truth.

4 Q And Heinz is a national brand, correct?

5 A Yes.

6 Q And for grocery, Ralphs offers national brands, like

7 Heinz, for most of the products Ralphs sells?

8 A Yes.

9 Q You mentioned Simple Truth there, right?

10 A Yes.

11 Q And Simple Truth is an example of a Ralphs private

12 label?

13 A Yes.

14 Q What's a private label?

15 A Products that we carry exclusively at Kroger or Ralphs.

16 Q So it is Simple Truth --

17 A They're our brands.

18 Q Sorry. Our brands is another term for private label,

19 correct?

20 A Yes.

21 Q You mentioned Simple Truth offers Own Brand or private

22 label for ketchup, right?

23 A Yes.

24 Q And Ralphs offers these private label products so they

25 can offer high-quality items at a good value to customers,

T. Schwilke - D

1 correct?

2 A Yes.

3 Q Generally these private label products we've been
4 discussing are less expensive than the national brand
5 alternatives, correct?

6 A Yes.

7 Q Now, for some products that Ralphs sells, you offer a
8 wide variety of pack sizes, correct?

9 A Yes.

10 Q For example, for paper towels, you would offer a
11 variety of packs, a single paper towel pack, a two-pack, a
12 four-pack, or a six-pack?

13 A Yes. We carry multi-packs with numerous different
14 configurations.

15 Q In your experience, as Ralphs' president, customers can
16 purchase substantially all of their household food
17 requirements in a single visit to a Ralphs store, correct?

18 A I would hope so. Yes.

19 Q That's because Ralphs tries to offer customers a
20 one-stop shopping experience, right?

21 A Yes.

22 Q Okay. I want to talk a little bit about the customers
23 that come to your Ralphs' stores. For customers who do come
24 and shop at a Ralphs, convenience is clearly an important
25 factor, right?

T. Schwilke - D

1 A Yes.

2 Q And Ralphs' customers generally prefer to buy grocery
3 close to where they live, correct?

4 A Yes.

5 Q And Ralphs wants -- sorry -- that's true because it's
6 just generally common sense that customers would want to buy
7 grocery close to where they live, correct?

8 A Yes.

9 Q Okay. I want to ask you a few questions about your
10 competition. In California, Albertsons operates
11 supermarkets as well, correct?

12 A Yes.

13 Q And in California, Albertsons operates supermarkets
14 under three banners; Vons, Pavilions, and Albertsons,
15 correct?

16 A Yes.

17 Q Okay. Now, just like Ralphs, Vons has produce, floral,
18 full-service deli, bakery, full-service meat, and
19 full-service seafood, correct?

20 A Yes.

21 Q And Vons' non-fresh grocery items selection is similar
22 to Ralphs', right?

23 A Yes.

24 Q Just like Ralphs, Pavilions, another Albertsons banner,
25 also has full-service meat, seafood, deli, and bakery

T. Schwilke - D

1 options as well as produce and floral, correct?

2 A Yes.

3 Q And Pavilions has a similar selection of non-fresh
4 grocery items to Ralphs, right?

5 A Yes.

6 Q And then for the Albertsons banner stores, they have
7 full-service meat, seafood, deli, and bakery counters, and
8 they also offer produce and floral services just like
9 Ralphs, right?

10 A Yes.

11 Q And Albertsons bannered stores have a similar non-fresh
12 as Ralphs, right?

13 A Yes.

14 Q Now, in your capacity as president of Ralphs, you visit
15 competitor stores, right?

16 A Yes.

17 Q Now, when you go on these visits to your competitors'
18 stores, you visit these stores to assess how full, fresh,
19 clean, and friendly they are, right?

20 A Yes.

21 Q And that full, fresh, clean, friendly, that's a Kroger
22 mantra, correct?

23 A Yes.

24 Q And when you visit these stores to make that assessment
25 about how full, fresh, clean, and friendly they are, you

T. Schwilke - D

1 want to make sure that Ralphs is outperforming its
2 competitors, right?

3 A Yes.

4 Q Now, specifically Ralphs tries to differentiate itself
5 from competitors by selling fresher produce, correct?

6 A Yes.

7 Q And you go about trying to sell fresher produce and
8 improve your fresh image by partnering with premier growers,
9 using an efficient distribution process, carrying and
10 handling the product carefully, and using clean equipment,
11 correct?

12 A Yes.

13 Q And Ralphs succeeds and in fact does offer customers
14 great produce and fresh options, in your opinion, correct?

15 A Yes.

16 Q And you specifically compare how Ralphs' produce
17 compares to Albertsons' produce in terms of freshness,
18 right?

19 A Can you restate the question?

20 Q Certainly. You specifically compare how Ralphs'
21 produce compares to Albertsons' produce in terms of
22 freshness, right?

23 A On my visits and we also have two times a year
24 reporting from our consumer insights team telling us how we
25 are doing on fresh, but I don't know that it's specific to

T. Schwilke - D

1 produce.

2 Q Could you just explain to the Court what that consumer
3 insights program is.

4 A It is a report coming from our analytics team at 8451,
5 consumer insights, that shows how in a consumer survey how
6 we are doing on full, fresh, friendly, in-store experience,
7 digital experience, value and price versus all the
8 competitive grocery retailers in Southern California.

9 Q And that would include Albertsons, correct?

10 A Yes.

11 Q And based on that consumer insights, Ralphs scores
12 higher on fresh when compared to Albertsons, correct?

13 A Yes.

14 Q Because you want to offer a better store experience and
15 fresher produce to customers than Albertsons, right?

16 A Yes.

17 Q Okay. I want to ask you a couple of questions about
18 pricing. For pricing, the Kroger Cincinnati general office
19 has the ultimate authority to make decisions on pricing and
20 promotions for Ralphs, correct?

21 A Yes. We give feedback, but ultimately it's their
22 responsibility.

23 Q Could you just elaborate a little bit on the feedback
24 that you would give to their Kroger Cincinnati general
25 office concerning pricing.

T. Schwilke - D

1 A If we see any opportunities with regard to pricing, we
2 float it their way, and they decide whether or not it meets
3 the model that they put together on pricing or not.

4 Q And an opportunity on pricing, would that include
5 potentially lowering prices?

6 A Yes.

7 Q Could an opportunity on pricing potentially include
8 increasing prices?

9 A There could be price gaps.

10 Q So you would periodically sometimes make these
11 recommendations to the Cincinnati general office, Kroger; is
12 that right?

13 A My team would.

14 Q And then they may approve of those recommendations; is
15 that correct?

16 A They may or they may not.

17 Q I would like to turn to a document in your binder. It
18 is -- you have got a binder of documents there. There
19 should be tabs. I would like you to turn to PX1497. Please
20 let me know when you are there. It is also going to be up
21 on the screen as well. Just to give you a preview, I will
22 be moving to another page in this document. This document
23 has a redaction in it, and you're going to see it on the
24 screen -- not this page -- but there will be a black bar.
25 Then once we get to that page, I'm going to ask that only

T. Schwilke - D

1 you and the Court and the attorneys here can see the
2 unredacted part. But we are going to sort of talk around
3 that redacted part.

4 Does that make sense to you?

5 A Yes.

6 Q Okay. PX1497. It is an email from Carol Jones to you
7 and a number of others. It is from Wednesday May 3rd, 2023.

8 Do you see that?

9 A Yes.

10 Q And the subject is: Ralphs vertical bar 2023 P3
11 program pricing graphs.

12 Do you see that?

13 A Yes.

14 Q And there is an attachment. It is P3 2023 703 Ralphs
15 PPTX.

16 Do you see that?

17 A Yes.

18 Q Who is Carol Jones?

19 A I don't know.

20 Q Well, if you look down at her signature block, it says
21 she is a corporate pricing analyst, correct?

22 A Yes.

23 MR. BRYSON: Your Honor, we move to admit PX1497
24 into evidence.

25 MR. PERRY: No objection.

T. Schwilke - D

1 THE COURT: It will be received.

2 BY MR. BRYSON:

3 Q If you could turn to slide 3 of the attachment, there
4 is a graph that has been put on the screen.

5 Do you see it?

6 A Yes.

7 Q You could feel free to look at your binder or look at
8 the screen. Then at this point if we could show the
9 unredacted portion just to counsel, the Court, and the
10 witness, that would be helpful.

11 Okay. Can you see the unredacted portion?

12 A Yes.

13 Q Now, this particular slide, the title is Ralphs CSSP,
14 correct?

15 A Yes.

16 Q Do you know what CSSP stands for?

17 A No.

18 Q And then below, it says, "Market: RAL Vons," correct?

19 A Yes.

20 Q I assume that "RAL" stands for Ralphs; is that right?

21 A Yes.

22 Q Then in the actual chart do you see we have got a
23 couple of graphs here that show Vons active and Vons regular
24 price, correct?

25 A Yes.

T. Schwilke - D

1 Q And Walmart active and Walmart regular price, correct?

2 A Yes.

3 Q Now, in this redacted bit, the thing that has been
4 highlighted in the yellow below -- I don't want to talk
5 about the specific numbers here. But generally this is
6 discussing a retail target range between Vons and Walmart,
7 correct?

8 A Yes.

9 Q Because Vons is serving as a price ceiling for Kroger's
10 regular pricing, correct?

11 A I don't want to read the redacted part, but I would
12 just say that these bars are within the range of what's in
13 the redacted statement. So I don't -- I don't know that I
14 can use the term "ceiling."

15 Q Okay. That's fair enough. All right. I wanted to
16 turn -- you can put that document aside. I want to turn to
17 your promotional pricing. Ralphs uses printed
18 advertisements, correct?

19 A Yes.

20 Q Then I want to look at another document in your binder.
21 It is PX1496. Please let me know when you are there.

22 A Yes.

23 Q It is also going to be up on the screen as well. Feel
24 free to look at whichever place you would like.

25 PX1497 is an email from Laura Peters to you. Do

T. Schwilke - D

1 you see that?

2 A Yes.

3 Q And the subject is "FWD: P4W2 Ralphps compounds and
4 weekly market share scorecard," correct?

5 A Yes.

6 Q And there are a couple of attachments as well, correct?

7 A Yes.

8 MR. BRYSON: Your Honor, we move to admit PX1496
9 into evidence.

10 MR. PERRY: No objection.

11 THE COURT: It will be received.

12 BY MR. BRYSON:

13 Q Okay. If you look at the second email in the chain --
14 first, Laura Peters -- who is Laura Peters?

15 A She is VP of merchandising for Ralphps.

16 Q And is Laura Peters a direct report of yours?

17 A Yes.

18 Q And she is forwarding this email chain from Jennifer
19 Allen to you, correct?

20 A Yes.

21 Q And the second email in the chain, it's from Jennifer
22 Allen to a number of folks, including Laura Peters. It is
23 dated Tuesday, May 2nd, 2023.

24 Do you see that?

25 A Yes.

T. Schwilke - D

1 Q Then below, in the body of the email, it has got a
2 comparison, correct?

3 A Yes.

4 Q And this is comparing Ralphs' printed advertisements to
5 Albertsons' printed advertisements, correct?

6 A Why employee.

7 Q And also Ralphs' printed advertisements to Stater
8 Bros', right?

9 A Yes.

10 Q Would you just tell the Court what is a printed
11 advertisement that Kroger puts out?

12 A It is a mailer that we send out every week for an ad
13 that breaks on Wednesday and goes through Tuesday to bring
14 customers in.

15 Q And you send it out every week; is that right?

16 A Yes.

17 Q And Albertsons also sends out a mailer; is that right?

18 A Yes.

19 Q Do they also send it out weekly?

20 A Yes.

21 Q And Stater Brothers also sends out a mailer; is that
22 right?

23 A Yes.

24 Q And they send it out weekly; is that right?

25 A Yes.

T. Schwilke - D

1 Q Now, at the top here, it says "Ralphs, Ralphs LA vers.
2 ALB/Vons (90603)," right?

3 A Yes.

4 Q "ALB" refers to Albertsons, correct?

5 A Yes.

6 Q And Vons is an Albertsons store, correct?

7 A Yes.

8 Q Then it says, "Overall comparison: Kroger lose,"
9 correct?

10 A Yes.

11 Q Meaning that for this printed advertisement, Kroger is
12 not doing as well as Albertsons is, correct?

13 A That's Jennifer Allen's opinion.

14 Q And so her opinion is that Kroger is not doing as well
15 for the printed advertisement, at least in this particular
16 week compared to Albertsons?

17 A What I would point out is that there is items that
18 aren't head-to-head matchups. So there are meat items that
19 we have, and they are not in here. So the whole body of the
20 ad is not in this document. I'm just talking front page.

21 Q Certainly. And that first bit says, "Front page,
22 direct comparable," correct?

23 A Yes.

24 Q Are those the same items?

25 A Yes.

T. Schwilke - D

1 Q And then it says "front page similar," correct?

2 A Yes.

3 Q And those would be similar items but not exactly the
4 same, right?

5 A Yes.

6 Q And then there are other call-outs, correct?

7 A Yes.

8 Q So at least for here, according to Jennifer Allen,
9 Ralphs is losing to Albertsons?

10 A Yes.

11 Q And then below there is also a comparison here to
12 Ralphs LA vers. Stater Brothers, correct?

13 A Yes.

14 Q And then the overall comparison again is "Kroger lose,"
15 right?

16 A According to Jennifer Allen.

17 Q And in this particular email from May 2nd, which goes
18 from the first to second page, there is no other comparisons
19 here, correct?

20 A Say that again.

21 Q For this email from Jennifer Allen, from May 2nd, there
22 is a comparison between Ralphs and Albertsons and Ralphs and
23 Stater Brothers?

24 A Yes.

25 Q And there is no other comparisons in this particular

T. Schwilke - D

1 email, just going from page 1 to 2?

2 A Over into 2. Thank you.

3 Q Is that because there are not other entities that are
4 putting out a weekly mailer?

5 A It would be because our other primary competition,
6 Walmart, doesn't do an ad. Costco doesn't do an ad.
7 Trader Joe's doesn't do an ad. So the people that do ads,
8 it is a comparison of the people that do ads. Now, I do get
9 on my desk all the Hispanic ads, and so they do ads. So
10 that's the answer.

11 Q Okay. So besides the Hispanic stores, the other
12 competitors you mentioned, they do not put out the weekly
13 advertisement that we have been talking about?

14 A Yes.

15 Q If you could turn to page 2 to the email from
16 April 25th, it just popped up on the screen.

17 Do you see that?

18 A Yes.

19 Q And this is another email from Jennifer Allen to
20 Laura Peters, correct?

21 A Yes.

22 Q And it is from a week earlier, correct, April 25th. So
23 this is another comparison of Ralphs versus Albertsons and
24 Ralphs versus Stater Bros for the advertisements, correct?

25 A Yes.

T. Schwilke - D

1 Q And again it reads, "Ralphs LA vers. ALB/Vons,"
2 correct?

3 A Correct.

4 Q And that's Albertsons?

5 A Yes.

6 Q And again, it says, "Overall comparison: Kroger lose,"
7 correct?

8 A Yes.

9 Q So in Jennifer Allen's opinion Kroger is losing again
10 this week to Albertsons for the advertising prices, correct?

11 A Yes.

12 Q Okay. And then the rest of this email, which is long.
13 Feel free to skip through it or flip through it, but it is
14 essentially a repeat every single week of these exact same
15 comparisons, correct?

16 A Yes. Except for Jennifer thought we did win some ads
17 and then tied some ads.

18 Q Certainly. Just to be clear, sometimes Kroger wins,
19 sometimes Kroger loses, sometimes Kroger ties, when
20 comparing advertising pricing to Albertsons, correct?

21 A Yes.

22 Q Okay. Now, I know we talked a little bit about
23 Laura Peters, correct?

24 A Yes.

25 Q You said she is merchandiser, correct?

T. Schwilke - D

1 A She is VP of merchandising for Ralphs.

2 Q What do merchandisers do at Ralphs?

3 A They're responsible for executing the Cincinnati GL
4 merchandising programs and helping ensure our stores are
5 full, fresh and have a great in-store experience.

6 Q Do the merchandisers also do price-checks?

7 A From time to time.

8 Q And what is a price-check?

9 A Price-check is -- they're in competition to see
10 pricing. It's lower or higher than we are, and/or they
11 could just get on the phone and pull it up on their phone.

12 Q So a price-check essentially checks another
13 competitor's prices, right?

14 A Yes.

15 Q And there are two ways to do that, correct?

16 A Yes.

17 Q One way would be to physically go into a store and
18 actually look at the prices, right?

19 A Correct.

20 Q And another way would be through the Internet using
21 some sort of device, correct?

22 A Yes.

23 Q And would those price checks potentially make it to the
24 Kroger Cincinnati general office as potentially a
25 recommendation for what to do on pricing?

T. Schwilke - D

1 A Yes.

2 Q I would like to turn to another document in your
3 binder. It is PX1480. Again, it will pop up on the screen.
4 Please let me know when you are there.

5 A I see it on the screen, but I don't see it in the tab
6 here.

7 THE COURT: It is not in the binder.

8 MR. BRYSON: Not in the binder? Okay. It is in
9 my binder.

10 THE COURT: It is not in mine.

11 MR. BRYSON: Okay. Sometimes the tabs -- maybe if
12 you flipped back to the beginning, they should be.

13 THE COURT: They took it out of order.

14 THE WITNESS: It is the first one.

15 THE COURT: It is out of order.

16 MR. BRYSON: Sorry about that. Do you now have
17 it?

18 THE WITNESS: Yes.

19 MR. BRYSON: Your Honor, do you have it?

20 THE COURT: I do.

21 MR. BRYSON: I apologize for that.

22 BY MR. BRYSON:

23 Q PX1480 is an email from you to Laura Peters, correct?

24 A Yes.

25 Q The subject is "FWD: White tag price changes; next

T. Schwilke - D

1 available 5/24," correct?

2 A Yes.

3 MR. BRYSON: Your Honor, we move to admit PX1480
4 into evidence.

5 MR. PERRY: No objection, Your Honor.

6 THE COURT: It will be received.

7 BY MR. BRYSON:

8 Q Okay. Mr. Schwilke, in the second email down, it's an
9 email from John Piersma to you and Laura Peters, correct?

10 A Yes.

11 Q Who is John Piersma?

12 A John Piersma is the merchant for GMHBC for Ralphs.

13 Q And you asked John Piersma to periodically send you
14 updates on Ralphs' pricing, correct?

15 A I wanted to see what the team was submitting Cincinnati
16 GL for recommendations on pricing.

17 Q The answer is "yes," correct?

18 A Yes.

19 Q Okay. And if you turn down to the third email in the
20 chain, it's from Leo Velasquez to Ed Silva and John Piersma.

21 Do you see that?

22 A Yes.

23 Q The text reads, "Ed, please move on the items below;
24 next available on 5/24 on white tag."

25 Do you see that?

T. Schwilke - D

1 A Yes.

2 Q And what does "white tag" refer to?

3 A It is the regular retail price.

4 Q That's as opposed to a promotional price, correct?

5 A Yes.

6 Q Okay. Then the third sentence here, it says, "John, we
7 were able to move on 70 items, including tampons."

8 Do you see that?

9 A Yes.

10 Q Then there is a chart, correct?

11 A Yes.

12 Q And it spans the next -- it goes all the way to page 3,
13 correct?

14 A Yes.

15 Q This chart has a number of columns. About halfway
16 through it has Ralphs' regular price.

17 Do you see that?

18 A Yes.

19 Q Next to it it has got -- sorry -- next to that it has
20 ALB regular price, correct?

21 A Yes.

22 Q And "ALB" stands for Albertsons?

23 A Yes.

24 Q Next to that is Vons' regular price?

25 A Yes.

T. Schwilke - D

- 1 Q Vons is an Albertsons banner, correct?
- 2 A Yes.
- 3 Q Next is "diff."?
- 4 A Yes.
- 5 Q That stands for "difference"?
- 6 A Yes.
- 7 Q Then the last column says "new WT retail," correct?
- 8 A Yes.
- 9 Q "WT" stands for white tag?
- 10 A Yes.
- 11 Q And so if I understand this correctly -- let's just
12 take as an example the first product here. We have got a
13 Ralphs' regular price of 5.29, correct?
- 14 A Yes.
- 15 Q And then there is an Albertsons' price and a Vons'
16 price. They are the same at 6.49, correct?
- 17 A Yes.
- 18 Q So the difference is 1.20, correct?
- 19 A Yes.
- 20 Q The recommendation is to move up in price for Ralphs,
21 correct?
- 22 A Yes.
- 23 Q From 5.29 to 5.99, correct?
- 24 A Yes.
- 25 Q That's an increase of 70 cents, correct?

T. Schwilke - D

1 A Yes.

2 Q And that would put it -- still, it would be high
3 interest than the current price, but it would still be below
4 Albertsons and Vons, correct?

5 A Yes. All the items here are still below Albertsons and
6 Vons.

7 Q And so for all these items, Albertsons and Vons is
8 acting as a price ceiling, correct?

9 A In this case.

10 Q In this case, yes?

11 A In this case that's what the team is submitting to
12 Cincinnati.

13 Q Do you know if these were actually put in place?

14 A No.

15 Q Okay. And then if you'd turn to the first email in the
16 chain, you do respond, correct?

17 A Yes.

18 Q And you write, "Great finds, LP. Keep 'em coming,"
19 right?

20 A Yes.

21 Q And "LP" is Laura Peters?

22 A Yes.

23 Q Okay. Now, I know we talked a little bit about prices
24 and changing prices at Ralphs, correct?

25 A Yes.

T. Schwilke - D

1 Q As you mentioned, prices could go down. They could
2 become lower at Ralphps, right?

3 A Yes.

4 Q And why would Ralphps lower prices?

5 A We would lower prices to make sure that we have the
6 right price for the customer.

7 Q And would lowering prices potentially attract more
8 customers to shop at Ralphps?

9 A Potentially.

10 Q Would you agree that lowering prices may help increase
11 sales at Ralphps?

12 A Yes.

13 Q What's the process in a store for when Ralphps does
14 decide to lower price?

15 A Cincinnati runs the pricing program and the pricing
16 models for us and --

17 Q I'll be a little more precise. Let's say the decision
18 has come in. Ralphps wants to lower the prices on a number
19 of items; for example, the feminine hygiene products we were
20 just talking about. Do you have employees in the store that
21 would just go around and print new tags out and put them on
22 the shelves? Is that how the price change actually goes
23 into effect?

24 A Yes. Every Wednesday for the new ad, as you'd suspect,
25 we have to change prices and put tags on the lower prices.

T. Schwilke - D

1 We have price change folks getting the tags hung every
2 Wednesday for the new ad break. So the prices you were
3 talking about, whenever Cincinnati decides to flow down,
4 whether it is up or down, would get changed by a store team.

5 Q Would that include both the white tag or regular price
6 and promotional prices?

7 A Yes.

8 Q When that occurs, when you do change or lower prices at
9 a Ralphs store, your labor costs or the costs for hiring the
10 folks that work in the store, that does not change, correct?

11 A Repeat the question.

12 Q It is a bit of an odd question, so I'll break it up a
13 little bit. Let's say you come in on Wednesday, and you
14 have got new promotional prices at Ralphs.

15 A Yes.

16 Q Let's say on top of that hypothetically there are new
17 white tag prices and regular prices at Ralphs. Are you
18 following me so far?

19 A Yes.

20 Q When those lower prices occur, you're not changing the
21 number of employees that work at the store or hiring new
22 employees or firing employees based on those price changes,
23 correct?

24 A We're not changing the amount of employees, but I
25 believe the system accounts for how many tags that come in

T. Schwilke - D

1 each week. So if there is going to be a history of more
2 tags, I think the labor model takes that into account, I
3 believe.

4 Q The labor model in terms of actually getting people to
5 affix the new prices; is that right?

6 A Yeah. How many hours we get. So for every tag there
7 is a certain time -- I'm not running the industrial
8 engineering department. But for every tag hung there is a
9 time equivalent to it. So we give the time for whatever
10 tags that are flowing down from Cincinnati.

11 Q I see. And if there are price changes that do lower
12 price, does that require reformatting the store outside of
13 changing the actual prices?

14 A No.

15 Q And it wouldn't also require renovating the store,
16 correct?

17 A No.

18 Q Are you familiar with the concept of a margin target?

19 A We have a selling gross margin budget, and Cincinnati
20 is responsible for managing the gross margin budget.

21 Q But you do not have any responsibilities about the
22 gross margin budget; is that correct?

23 A I think we are all in it together. We are all in it
24 together to help get to a number that's on budget.

25 Q Do you have any familiarity specifically with a margin?

T. Schwilke - D

1 Does that ever come up in the ordinary course of business
2 for you?

3 A The term I read every Monday when I get the report
4 is -- "gross margin to budget" is the term that I read, and
5 then that's what the term we read. It's "gross margin
6 budget."

7 Q Understood. Okay. We can move on and perhaps go to
8 one more document in your binder. I hope you can find it.
9 It is PX1458. Perhaps the secrecy is off. You may have to
10 go back to the beginning.

11 A It's the second one.

12 Q Are you there?

13 A Yes.

14 Q PX1458 is an email from you to William Brink, correct?

15 A Yes.

16 Q The subject of the email is -- let's see -- "RE:
17 Transfer price for Ralphs and F4L," correct?

18 A Yes.

19 Q "F4L" stands for Food 4 Less?

20 A Yes.

21 Q Food 4 Less is a Ralphs banner; is that correct?

22 A A Kroger banner.

23 Q Food 4 Less is a Kroger banner, correct?

24 A Yes.

25 Q Who is William Brink?

T. Schwilke - D

1 A He is the merchandiser for grocery for Ralphs.

2 MR. BRYSON: Your Honor, we move to admit PX1458
3 into evidence.

4 MR. PERRY: No objection, Your Honor.

5 THE COURT: It will be received.

6 BY MR. BRYSON:

7 Q Okay. If you would look at the second email in the
8 chain, it's from William Brink.

9 Do you see that?

10 A Yes.

11 Q It starts out, "Milk prices dropped 20 cents for
12 December."

13 Do you see that?

14 A Yes.

15 Q So this email chain is generally discussing the pricing
16 for milk, correct?

17 A Yes.

18 Q If you look at the second paragraph, it starts, "Right
19 now Vons is still 3.99 and Walmart is 3.85."

20 Do you see that?

21 A Yes.

22 Q So Vons price for milk was \$3.99 at the time; is that
23 right?

24 A Yes.

25 Q And Walmart's price for milk was 3.85?

T. Schwilke - D

1 A Yes.

2 Q And then it continues, "So neither of them lowered
3 price last month and stayed with us at 3.99 when cost went
4 down."

5 Do you see that?

6 A Yes.

7 Q Then he next writes, "We can either hold at 3.99 or go
8 down to 3.79," correct?

9 A Yes.

10 Q And then you respond in the top email.

11 Do you see that?

12 A Yes.

13 Q You write, "Stay at 3.99," correct?

14 A Yes.

15 Q And 3.99, again, is the Vons price, right?

16 A 3.99 is the price that we were at, and I don't know
17 exactly the pricing model, because I don't run the pricing
18 from Cincinnati, but I'm pretty sure it doesn't want us to
19 go below Walmart.

20 Q But the Walmart price was 3.85?

21 A Right.

22 Q And Vons' price was 3.99?

23 A Yes.

24 Q And your recommendation was to stay at 3.99, your
25 current price --

T. Schwilke - D

1 A To stay at our price.

2 Q But also the Vons' current price, right?

3 A Yes.

4 Q Taking a step back, generally, despite Kroger
5 Cincinnati's general office having final pricing authority,
6 you do want more autonomy to specifically benchmark Ralph's
7 pricing against Albertsons, Vons, Pavilions, and Stater
8 Brothers, correct?

9 A Yes.

10 Q Because you think that every Ralphs location is either
11 in competition with an Albertsons, Vons, or Pavilions store,
12 correct?

13 A Most of our stores are.

14 Q Would you say the majority?

15 A Yes.

16 Q And you want more autonomy because you want to be
17 better than Albertsons, Vons, and Pavilions in every way
18 possible to benefit your customer both in terms of being
19 fresher, cleaner, fuller, crisper, but also having lower
20 prices, correct?

21 A Yes.

22 MR. PERRY: Your Honor, I pass the witness.

23 THE COURT: Okay.

24

25

T. Schwilke - X

1 CROSS-EXAMINATION

2 BY MR. PERRY:

3 Q Good afternoon, Mr. Schwilke.

4 A Good afternoon.

5 Q I'm Mark Perry. We have met before. Good to see you
6 again.

7 A Good to see you.

8 MR. PERRY: Your Honor, may my colleague pass out
9 binders to the witness?

10 THE COURT: Yes.

11 MR. PERRY: Thank you, Your Honor.

12 BY MR. PERRY:

13 Q Mr. Schwilke, how long have you been in the grocery
14 business?

15 A 40-plus years.

16 Q And how did you get your start, sir?

17 A I started bagging grocery in Wenatchee, Washington at
18 age 16, the apple capital in the world.

19 Q And what have you done since then in the grocery
20 business?

21 A Worked my way up at Safeway through a lot of different
22 jobs, working with a lot of great people, and ultimately I
23 became president of Randalls Tom Thumb for a couple of
24 years. Then I was president of perishables for Safeway for
25 five years, and then I was president of the Martell Safeway

T. Schwilke - X

1 for three years. Then I retired for a year-and-a-half.
2 Then I joined Kroger about five-and-a-half years ago, almost
3 five-and-a-half years ago. Then I was president of Kroger
4 Dallas for about a year, and I was fortunate to work with a
5 great team in Ralphs as president of Ralphs for
6 four-and-a-half years.

7 Q So this is your retirement gig?

8 A Yeah. Loving it.

9 Q As president of Ralphs, Mr. Schwilke, can you give the
10 Court a quick summary of what your division looks like?

11 A We have 183 stores all the way from San Luis Obispo is
12 at the top of the all the way to the Mexican border and as
13 far east as La Quinta, which is basically Palm Springs.

14 Q Were you here for opening statements, Mr. Schwilke?

15 A No.

16 Q During opening statement a government lawyer said that
17 the division presidents have a "boots-on-the-grounds view of
18 competition." Do you agree with that?

19 A Absolutely.

20 Q Are those your boots we are talking about?

21 A Yes.

22 Q All right. For having boots on the ground in Southern
23 California, Mr. Schwilke, how would you describe the state
24 of grocery competition in your market?

25 A It has to be one of the most competitive markets in the

T. Schwilke - X

1 country.

2 Q Why do you say that?

3 A Because there is a grocer of some kind almost on every
4 corner as you're driving through and visiting stores.

5 Q Now, this might sound like a trick question, sir, but
6 it sometimes gets obscured in this case. What is Ralphs's
7 competing for?

8 A Grocery dollar in Southern California.

9 Q What does that mean, the "grocery dollar"?

10 A There are a lot of competitors going after the grocery
11 dollar in Southern California. Our job is to get every one
12 of those dollars we can by exceeding our customers'
13 expectation.

14 Q What entities, stores, companies do you consider Ralphs
15 to be competing with in Southern California for those
16 grocery dollars?

17 A The list would start with Walmart, Costco, Albertsons,
18 Vons, Trader Joe's, Amazon, Smart & Final, Grocery Outlet.
19 Gelson's, Erewhon, the Hispanic independents, and the list
20 goes on and on.

21 Q Do you compete with those entities on price, which my
22 friend talked to you a little earlier about today?

23 A Yes.

24 Q Do you compete on things other than price,
25 Mr. Schwilke?

T. Schwilke - X

1 A Yes. As I mentioned earlier, we compete on full. We
2 compete on fresh. We compete on a friendly, in-store
3 environment and selection as well. Boots on the ground, in
4 visiting stores, here a couple of months ago I went to a
5 Vallarta, and I saw this huge Ramen display. Wow, I'm going
6 to sell ramen. It was Samyang Ramen, and I knew we didn't
7 carry it, so I reached out to my team and said, "Hey, let's
8 get with Cincinnati and see if we can bring it in." We
9 brought it in, and sure enough, it drove a significant
10 share. So we are in a competitive battle on all fronts to
11 win the customer.

12 Q Now, have any of the retailers you mentioned earlier
13 opened stores in your area in the last few years?

14 A Yes. We've had roughly 90 net new competitive openings
15 in the last three years.

16 Q Is that something that you, as president of the Ralphs
17 division, keep an eye on?

18 A Absolutely.

19 Q Why is that?

20 A Because they are trying to take our business.

21 Q And what are your observations regarding store
22 openings?

23 A There is a lot of them, and we do a lot to blunt them
24 coming. We track all the competitors by district, and we
25 make sure that our stores are spun up on full, fresh,

T. Schwilke - X

1 friendly, and clean. And depending -- we will run a mailer
2 to try to blunt the impact that these competitors have had
3 on us. I'll give you an example. Last week I was in store
4 728 in Rolling Hills/Torrance, and there was a new Target
5 that I went into that was just right down the street on the
6 PCH and a Grocery Outlet, and that store is running 5
7 percent decrease.

8 Q The mailers that you just mentioned, Mr. Schwilke, are
9 those the same mailers that Mr. Bryson discussed with you in
10 that document you looked at earlier?

11 A No. Those were ads. These are specific mailers for
12 new store openings, et cetera.

13 Q You mentioned that's something you track by district;
14 is that right?

15 A We track current and future competitive openings by
16 district.

17 Q Let's take a look at a document, Mr. Schwilke. It is
18 marked PX1727. It should be the first one in your binder.

19 A Yes.

20 Q This appears to be an email from you, Tom Schwilke, to
21 Mary Brophy dated November 14, 2022. Do you recognize this
22 document, sir?

23 A Yes.

24 Q Is this something you created in the ordinary course of
25 business?

T. Schwilke - X

1 A Yes.

2 MR. PERRY: Your Honor, we move the admission of
3 PX1727.

4 MR. BRYSON: No objection.

5 THE COURT: It will be received.

6 BY MR. PERRY:

7 Q Can you tell the Court, Mr. Schwilke, what's happening
8 here?

9 A Mary, the district manager of District 2, has
10 identified there is a 99 Cents Only that was going within
11 two miles of our store 189, and because they carry produce,
12 decided to run a mailer to help blunt the opening of that
13 operation.

14 Q And did you approve that?

15 A Yes.

16 Q And is that something that has to go to Cincinnati, or
17 is that something you can do with your boots on the ground?

18 A Our head of advertising, Lisa, works with Cincinnati.
19 They are very cooperative, and it helps us with all mailers.

20 Q Very good. Turn to the second page of that,
21 Mr. Schwilke. It is a spreadsheet.

22 Do you see that?

23 A Yes.

24 Q Can you explain what we are looking at here, please?

25 A So when Ralphs we have ten districts for 183 stores.

T. Schwilke - X

1 This he represents one of the ten districts competitive
2 trackers for district 2. So this is what created the email
3 for Mary about the 99 Cents store opening.

4 Q Would there be a similar spreadsheet for every other
5 district?

6 A Yes.

7 Q If we look in column E competitor, do you see that?

8 A Yes.

9 Q For example what competitor is listed in row would 2?

10 A Amazon Fresh.

11 Q In row six?

12 A Trader Joes.

13 Q Row 7?

14 A Whole Foods.

15 Q And rows 15 and 16?

16 A Vallarta.

17 Q You mentioned that a few minutes ago. Can you explain
18 to the Court what Vallarta is?

19 A Vallarta is a Hispanic independent that does a good
20 thing on all things fresh. They have robust deli food
21 service operation, bakery, produce. Their service meat and
22 service seafood is out of this world. They do a great be.
23 And they are opening new stores. They opened a store within
24 the last year against us in Carson and our store 256 is
25 running around 5 percent decrease because of the VALLARTA

T. Schwilke - X

1 opening.

2 Q Back to this spreadsheet, row 18, who is identified
3 there?

4 A Aldi.

5 Q And row 22?

6 A Grocery Outlet.

7 Q Now, Mr. Schwilke, why are Amazon Fresh, Trader Joe's,
8 Whole Foods, Vallarta, Aldi, and Grocery Outlet listed on
9 this ordinary course document as competitors?

10 A Because they are in the grocery business, and they are
11 absolutely competing with us for every grocery dollar.

12 Q Now, it has been suggested in this courtroom before you
13 arrived that these entities do not compete with Ralphs. Do
14 you have a reaction to that from the boots-on-the-ground
15 perspective. Mr. Schwilke?

16 A Well, boots on the ground, competing with them every
17 day, having to fight their openings and looking at the
18 numbers say the complete opposite story.

19 Q Now, you mentioned earlier talking to the Government
20 lawyer a twice yearly insights consumer report, 8451.

21 A Yes.

22 Q Can you tell the Court what 8451 is, very briefly?

23 A Yes. 8451 does a lot of our merit-based analytics and
24 consumer insights team and the 8451 team analyzes what the
25 customer is looking for in their something experience. Like

T. Schwilke - X

1 I said at the start, they have figured out -- and this is
2 kind of common sense. The top things that customers are
3 looking for when picking a place to shop is full, fresh,
4 friendly, a great in-store experience, a great digital
5 experience, great value, and price.

6 Q If we could look at one more document, Mr. Schwilke.
7 It is PX2920. It should be the second one in your binder.

8 A Yes.

9 Q For the record, this appears to be an email from
10 customer Equity to Tom Schwilke and others dated
11 November 4th, 2022. Do you recall getting this in the
12 ordinary course of business, sir?

13 A Yes.

14 Q Is this something you review and rely in your capacity
15 as president of the Ralphs division?

16 A Yes.

17 MR. PERRY: Your Honor, we move the admission of
18 PX2920 into evidence.

19 MR. BRYSON: No objection.

20 THE COURT: It will be received.

21 MR. PERRY: Thank you, Your Honor.

22 BY MR. PERRY:

23 Q If you'd turn to the actual report, the attachment to
24 the email, is this one of the twice yearly reports that you
25 mentioned earlier in your direct examination, sir?

T. Schwilke - X

1 A Yes.

2 Q And that the Government lawyer asked you questions
3 about. Do you remember that?

4 A Yes.

5 Q If you could turn to page 11 of this -- slide 11.
6 Excuse me. Could you explain -- this is another
7 spreadsheet. Could you explain to the Court quickly what
8 we're looking at here.

9 A Yeah. For Southern California, for customers surveyed,
10 it is the Ralphs equity performance, and basically what it
11 is measuring is in the mind of the consumer across all the
12 retailers in Southern California, which are on the left-hand
13 side -- and then there are some that aren't on here -- how
14 all of us stack up against each other on full, fresh,
15 friendly in-store experience, digital experience, total
16 value, and price.

17 Q Did I understand you earlier to say that this is based
18 on actual surveys of actual customers of these stores?

19 A Boots on the ground. It's the customers in Southern
20 California.

21 Q Mr. Schwilke, on the left-hand side -- but first, let's
22 start with the one on the top. Who is there?

23 A Ralphs.

24 Q Did pretty well this quarter?

25 A I'm very proud of the team. They worked very hard to

T. Schwilke - X

1 achieve these results, and have for years.

2 Q Congratulations, sir. Where does Ralphs usually line
3 up on these? Do you know?

4 A We are either No. 1 or No. 2. Occasionally,
5 unfortunately, we got topped by Trader Joe's a couple of
6 times. But we are No. 1, so that's good.

7 Q That doesn't matter, because Trader Joe's doesn't
8 compete with Ralphs, according to the United States
9 Government. So you don't need to worry about it. Okay,
10 sir?

11 A Good.

12 Q All right. Let's look at the rest of the list. We
13 have Trader Joe's. Do they compete with Ralphs in Southern
14 California, Mr. Schwilke?

15 A Yes. In fact, they have quite a few openings at the
16 end of this year.

17 Q How about Costco, do they compete?

18 A Costco. I believe this is one of their biggest markets
19 and in fact, in reading the history, Sol Price was the first
20 one to start this contact in Southern California. So they
21 have a huge, huge presence. People -- while they have a
22 limited SKU selection, it's the SKUs the customers buy the
23 most.

24 Q Vons, we have talked about.

25 A Yes.

T. Schwilke - X

1 Q How about Sam's Club. Are they a competitor of Ralphs
2 in Southern California?

3 A Just like Costco.

4 Q Target. You mentioned that. They opened a store near
5 yours?

6 A Yeah.

7 Q They have a grocery department at Target?

8 A Yeah. I walked through. They had a great grocery
9 offering.

10 Q You mentioned Walmart a few minutes ago. They are the
11 next on the list, right?

12 A Right.

13 Q Are they a competitor?

14 A Yes, they are.

15 Q Food 4 Less. That's another Kroger banner?

16 A Yes.

17 Q What's WinCo? I don't think we have heard a Local 555
18 about them.

19 A WinCo is a grocery chain that's located -- based in
20 Idaho, but they have got a presence in Southern California.

21 Q They're a competitor of Ralphs?

22 A Yes.

23 Q How about Stater Brothers?

24 A Absolutely. Yes.

25 Q Whole Foods?

T. Schwilke - X

1 A Yes. They have a great fresh offering. Great service.
2 They serve meat. They do a great job.

3 Q If someone were to come into this courtroom and suggest
4 that Whole Foods might not be a competitor because they have
5 a lot of organic things and it is somehow different than a
6 Ralphs, do you have a reaction as boots on the ground as
7 president of Ralphs division in Southern California, do you
8 have a suggestion, sir?

9 A I would say that's not right. They have a lot of
10 conventional items too. If they weren't a competitor, then
11 why does our pricing model include Whole Foods for a Simple
12 Truth brand. And natural organic matters.

13 Q Albertsons, we have talked about.

14 A Yes.

15 Q Aldi, we have heard about. Again, it has been
16 suggested that Aldi might not be a competitor. Do you have
17 a reaction to that?

18 A Like Costco, while they have a limited selection, they
19 sell the items that customers want to buy the most.

20 Q El Super?

21 A El Super, along with Gonzalez and Vallarta, they do
22 just a great job. They are Hispanic independents, and they
23 have the best service seafood offerings, great meat
24 offerings, great deli offerings, great bakery offerings, and
25 it is a full shop.

T. Schwilke - X

1 Q It has been suggested, sir, that Hispanics markets
2 somehow don't compete with Ralphs. Do you have a view on
3 that as boots on the ground as president of the Ralphs
4 division in Southern California?

5 A You bet. Boots on the grounds -- two things: One,
6 when I came to Ralphs almost four-and-a-half years ago, the
7 first thing I did was implement pricing to combat the
8 Hispanics independent on -- Hispanic items, there's hundreds
9 of items. In addition, Cincinnati GO has a Hispanic
10 critical pricing program for the exact same reason.

11 Q Not on this list, sir, but do you also have Asian
12 markets in Southern California?

13 A Yes.

14 Q Do you consider those competitors of the Ralphs store?

15 A Yes. We had a Ranch 99 open against 759 and 156 in the
16 Westwood area, and both stores are running decreases.

17 Q Back to the list. The next one is Gonzalez. Is that
18 another -- what is Gonzalez, sir?

19 A Northgate Gonzalez. It is another Hispanic operator.
20 Northgate opened a store within the last year against us in
21 Costa Mesa. Our Costa Mesa store is running 5 percent
22 decreases; and then two, Newport stores are close as well
23 and are running negative sales.

24 Q Smart & Final, you mentioned earlier. Is that another
25 competitor?

T. Schwilke - X

1 A It's a Southern California grocery chain that is a full
2 shop, and they have an impact.

3 Q Amazon. Isn't that an Internet company, sir?

4 A Well, we are on one of the first areas or divisions to
5 have them launch their Amazon Fresh concept. I think they
6 have around 20 or so, and so I have an ad on my desk every
7 week from Amazon Fresh that I look at. Then if you look at
8 where they are on the digital experience, they are doing
9 pretty good.

10 Q It has been suggested in this courtroom, sir, that
11 Amazon, including Amazon Fresh somehow does not compete with
12 Ralphps. Do you have a view with boots on the ground in
13 Southern California of that suggestion, sir?

14 A They are in the grocery business, and they want to be
15 in the grocery business even more than they are today.

16 MR. PERRY: Your Honor, I apologize. I misspoke
17 when I moved this document into evidence. I said "PX2920."
18 It is actually DX2920. Thank you.

19 MR. BRYSON: No objection.

20 THE COURT: The change will be made in the record.

21 MR. PERRY: Thank you.

22 BY MR. PERRY:

23 Q Final question, Mr. Schwilke: Looking at the list on
24 the left-hand side of this document, which is produced in
25 the ordinary course of business by Kroger twice a year to

T. Schwilke - ReD

1 advise you as president of the Ralphs division -- and all
2 the other division presidents -- do they get this too?

3 A Yes.

4 Q Why are all these companies included on here?

5 A Because they are in the grocery business, and they are
6 coming after us.

7 MR. PERRY: Thank you, sir. No further questions:

8 THE COURT: Any redirect?

9 MR. BRYSON: Very short.

10 REDIRECT EXAMINATION

11 BY MR. BRYSON:

12 Q All right. Mr. Schwilke, you spent some time
13 testifying with my friend -- I do know his name is
14 Mr. Perry, even though he referred to me as "a Government
15 lawyer."

16 MR. PERRY: Mr. Bryson, "the excellent government
17 lawyer," to be clear.

18 (Laughter.)

19 MR. BRYSON: I'm glad that's on the record.

20 BY MR. BRYSON:

21 Q You spent some time talking with Mr. Perry about boots
22 on the ground, right?

23 A Yes.

24 Q And specifically your boots, correct?

25 A Yes.

1 Q Because you do, in fact, go visit your competitors'
2 stores, right?

3 A Yes.

4 Q And at the time of your deposition, and you had visited
5 a Vons a couple of weeks before, correct?

6 A Yes.

7 Q And at the time of your deposition, it had been over
8 five years since you had been in a Costco, correct?

9 A Yes.

10 Q And at the time of your deposition you did not even
11 know the last time you were in a Sam's Club, correct?

12 A Yes.

13 Q And at the time of your deposition, you noted it had
14 been a while since you had been into an El Super store, and
15 you couldn't identify when that was, correct?

16 A Yes.

17 Q And at your deposition you also noted that it had been
18 a while since you went to Aldi, and you couldn't identify
19 when you went to that store, correct?

20 A Yes.

21 MR. BRYSON: No further questions.

22 THE COURT: You may step down.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: We are about 20 minutes before
25 five o'clock. So I don't know if you want to call another

1 witness and go past 5:00 -- it has been a long day -- or if
2 you want to start tomorrow at 9:00.

3 MS. MUSSER: I think our preference, although, of
4 course, we are at the discretion of the Court, would be to
5 start fresh tomorrow.

6 THE COURT: That's fine.

7 That's why I wanted to give you some options. So
8 we are adjourned until 9:00 a.m. tomorrow morning.

9 I hope everyone has a good evening.

10 (Court adjourned.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

--oOo--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I certify, by signing below, that the foregoing is a correct transcript of the record of proceedings in the above-entitled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

/s/ Dennis W. Apodaca
DENNIS W. APODACA, RDR, RMR, FCRR, CRR
Official Court Reporter

August 28, 2024
DATE

BY MR. BRYSON: [9] 806/1 806/10 818/1 820/11 827/21 828/6 836/5 854/10 854/19

BY MR. HAMBERG: [1] 803/9

BY MR. HAMBURGER: [2] 743/11 804/17

BY MR. MATHESON: [3] 714/6 722/22 742/9

BY MR. PERRY: [13] 776/19 777/7 789/25 797/19 798/15 799/17 800/4 801/16 839/1 839/11 844/5 847/21 853/21

BY MS. BARRINGTON: [8] 728/12 729/24 730/19 731/5 734/2 737/18 739/5 740/25

MR. BRYSON: [18] 805/12 805/16 806/7 817/22 820/7 827/7 827/10 827/15 827/18 827/20 828/2 836/1 844/3 847/18 853/18 854/8 854/18 855/20

MR. HAMBURGER: [13] 742/22 743/8 776/14 789/23 797/16 798/9 801/13 803/6 804/3 804/5 804/8 804/13 805/4

MR. MATHESON: [11] 714/4 728/4 729/13 729/20 729/23 731/2 733/25 737/15 738/24 742/6 742/17

MR. PERRY: [27] 776/16 776/25 777/3 777/6 789/21 798/11 798/14 799/15 799/24 801/10 801/15 803/4 803/24 817/24 820/9 828/4 836/3 838/21 839/7 839/10 844/1 847/16 847/20 853/15 853/20 854/6 854/15

MS. BARRINGTON: [14] 722/20 728/9 729/21 730/13 730/18 730/25 731/4 733/23 737/13 737/17 739/4 740/21 742/4 742/18

MS. FEINBERG: [1] 743/1

MS. MUSSER: [1] 856/2

THE CLERK: [2] 743/4 805/19

THE COURT: [49] 714/3 722/21 728/6 729/19 729/22 730/16 731/3 734/1 737/16 739/3 742/7 742/19 742/21 743/9 776/17 777/2 777/5 789/24 797/18 798/12 799/21 801/14 803/5 804/4 804/7 804/11 804/16 805/5 805/10 805/15 806/9 817/25 820/10 827/6 827/9 827/12 827/14 827/19 828/5 836/4 838/22 839/9 844/4 847/19 853/19 854/7 855/21 855/23 856/5

THE WITNESS: [6] 742/20 743/6 805/22 827/13 827/17 855/22

\$

\$2 [1] 724/10

\$3.99 [1] 836/22

\$5 [1] 724/21

\$5.50 [1] 724/21

\$7 [3] 724/21 724/21 725/21

\$80 [2] 725/3 725/23

\$80 million [2] 725/3 725/23

\$9 [1] 725/21

\$90 [1] 725/3

\$90 million [1] 725/3

'

'em [1] 831/18

-

--oOo [1] 857/1

/

/s [1] 857/8

0

02110 [1] 711/18

1

1.20 [1] 830/18

100 [1] 711/17

1014 [1] 711/21

10153 [1] 711/8

11 [2] 848/5 848/5

11000 [1] 710/14

115 [1] 710/17

1162 [1] 710/23

121 [2] 710/20 712/3

12th [1] 741/11

13 [1] 715/8

14 [1] 843/21

140-some [1] 786/1

15 [1] 845/15

15,000 [1] 746/13

150 [2] 747/25 777/9

156 [1] 852/15

15th [1] 741/19

16 [2] 839/18 845/15

16th [1] 800/16

17th [1] 741/22

18 [1] 846/2

183 [3] 806/24 840/11 844/25

189 [1] 844/11

19 [1] 730/24

1900 [1] 712/12

1997 [1] 744/23

19th [1] 741/4

2

20 [5] 785/21 785/24 836/11 853/6 855/24

20,000 [2] 773/18 807/3

20001 [1] 711/12

20006 [1] 712/13

2001 [1] 711/15

20024 [2] 710/5 712/10

2003 [2] 759/19 785/19

20036 [1] 711/15

2004 [2] 785/22 785/25

201 [1] 711/5

2015 [6] 765/10 765/18 766/2 766/19 769/11 772/17

2019 [1] 744/24

2022 [2] 843/21 847/11

2023 [4] 817/7 817/10 817/14 820/23

2024 [36] 709/6 714/1 714/9 714/20 714/24 716/6 716/20

717/4 717/8 717/14 718/8 719/12 719/23 720/18 721/1

721/14 721/19 723/15 726/12 728/22 730/24 733/21 737/9

741/2 741/5 741/7 741/11 741/19 741/22 789/12 789/13

789/14 789/15 799/20 800/15 857/8

20580 [1] 710/11

20th [1] 800/17

22 [1] 846/5

22,000 [1] 802/6

23 [2] 771/21 771/23

24 [3] 741/2 828/1 828/24

25 miles [3] 798/23 798/23 799/1

25-mile [1] 798/21

256 [1] 845/24

25th [2] 824/16 824/22

28 [4] 709/6 714/1 749/2 857/8

2840 [1] 789/23

2958 [1] 737/15

2nd [3] 820/23 823/17 823/21

3

3.79 [1] 837/8

3.85 [3] 836/19 836/25 837/20

3.99 [8] 836/19 837/3 837/7 837/13 837/15 837/16 837/22 837/24

3000 [1] 711/2

30th [1] 800/16

324 [40] 743/14 743/15 743/17 743/18 744/17 744/19

3

324... [34] 744/21 744/22 744/23 744/25 745/4 746/9
746/15 747/14 747/15 758/11 760/16 768/1 770/22 782/14
782/22 785/5 785/18 787/3 787/22 788/1 788/15 788/21
790/5 790/25 791/4 791/13 791/17 796/25 797/8 798/19
799/4 799/19 800/22 802/18
324's [8] 754/8 766/21 769/3 770/14 774/3 784/2 801/23
802/3
33,000 [2] 807/9 807/13
34th [1] 711/17
3:24-cv-00347-AN [1] 709/4
3:38 [1] 805/8
3rd [1] 817/7

4

40 [7] 745/2 749/1 764/19 774/1 776/7 785/5 808/1
40,000 [2] 807/6 807/19
40-plus [1] 839/15
400 [2] 710/5 712/3
45202 [1] 711/22
455 [1] 710/14
47,000 [1] 788/9
4th [1] 847/11

5

5 percent [1] 845/25
5.29 [2] 830/13 830/23
5.99 [1] 830/23
5/24 [2] 828/1 828/24
50,000 [3] 807/17 807/20 808/1
53 cents [1] 724/17
555 [44] 716/7 716/16 717/5 717/9 717/17 717/21 718/5
718/8 720/4 720/6 720/12 721/8 721/13 723/5 723/8 726/13
727/3 727/19 730/11 730/23 731/7 731/14 733/21 734/13
735/8 735/13 735/17 735/19 735/22 735/23 736/3 737/1
737/8 737/21 738/17 740/12 741/2 741/4 741/8 741/16
741/18 741/21 742/14 850/17
555's [5] 721/20 726/15 727/17 736/12 736/23
5:00 [1] 856/1

6

6.49 [1] 830/16
60 percent [1] 802/17
600 [2] 710/10 711/15
601 [1] 711/11
60603 [1] 710/18
63 [4] 771/24 772/3 772/15 773/18
680 [1] 712/10
6th [1] 737/9

7

70 [3] 797/8 829/7 830/25
70,000 [1] 807/4
700 [1] 710/20
703 [1] 817/14
714 [1] 713/3
728 [2] 713/3 843/4
742 [1] 713/3
743 [1] 713/4
759 [1] 852/15
760 [1] 711/2
767 [1] 711/7
770 [3] 744/10 744/18 747/19
776 [1] 713/4
7th [1] 710/5

8

803 [1] 713/4
806 [1] 713/5
839 [1] 713/5
8451 [5] 815/4 846/20 846/22 846/23 846/24
854 [1] 713/5
8th [1] 800/15

9

90 [1] 842/14
90 percent [1] 725/25
90603 [1] 822/2
94065 [1] 711/5
94102 [1] 710/14
97204 [2] 710/21 712/3
97205 [1] 711/3
97301 [1] 710/24
99 [3] 844/10 845/3 852/15
9:00 [2] 856/2 856/8

A

A-N-D-R-E-A [1] 743/7
a.m [1] 856/8
ability [9] 755/7 757/1 757/4 763/3 773/4 774/5 774/16
784/14 785/10
able [31] 714/22 715/7 718/11 719/4 749/6 752/12 752/14
755/19 757/6 757/8 758/1 758/8 758/16 763/10
765/20 770/15 771/25 773/7 773/9 773/12 775/4 775/6
775/10 775/18 775/22 776/3 794/24 808/15 808/18 829/7
about [96] 715/2 715/4 715/5 718/17 722/16 723/16 724/1
724/17 724/23 727/1 727/5 728/18 728/19 728/20 729/1
729/9 739/16 740/11 744/8 745/4 746/11 746/14 747/6
748/4 750/15 753/2 753/11 759/1 761/16 763/2 764/17
766/20 769/12 769/17 769/24 771/10 773/8 773/18 779/15
781/23 782/21 783/23 786/23 787/18 788/6 788/9 788/12
789/9 790/11 790/14 793/24 794/22 798/14 799/14 800/1
800/6 801/25 802/25 803/12 803/13 803/17 804/14 804/20
807/2 807/4 807/16 811/22 812/9 813/25 814/7 815/17
819/5 824/13 825/22 827/16 829/15 831/23 832/20 833/3
834/21 840/2 840/4 840/20 841/22 845/3 848/3 849/9
849/17 849/24 850/1 850/18 850/23 851/13 851/15 854/21
855/24
above [1] 857/5
above-entitled [1] 857/5
absolutely [4] 840/19 842/18 846/11 850/24
accede [3] 763/12 766/17 775/19
accept [2] 757/24 757/25
acceptable [1] 773/15
access [4] 779/20 779/22 779/23 780/1
accessibility [1] 754/15
accompanied [1] 743/1
accomplish [1] 738/22
according [3] 823/8 823/16 849/8
account [1] 834/2
accounts [1] 833/25
accurate [2] 734/5 791/11
achieve [6] 758/8 758/9 763/10 774/6 794/24 849/1
achieved [1] 770/12
acknowledge [1] 738/13
acquaintance [1] 776/23
acquire [3] 771/24 772/15 774/2
acquired [3] 719/14 766/9 772/17
acquirers [1] 720/5
acquires [2] 791/2 804/22
acquiring [5] 719/3 720/1 725/6 772/1 772/3
acquisition [6] 765/6 769/1 774/16 774/18 775/13 775/21
acquisitions [4] 764/21 764/22 765/2 776/14

A

across [6] 747/4 779/16 779/24 780/2 795/16 848/11
acting [1] 831/8
actions [1] 732/4
active [2] 818/23 819/1
actual [9] 719/14 719/25 759/18 771/13 818/22 834/13 847/23 848/18 848/18
actually [13] 716/3 726/25 734/20 759/13 763/24 771/22 804/12 808/20 826/18 831/13 832/22 834/4 853/18
ad [9] 739/24 821/12 822/20 824/6 824/6 824/7 832/24 833/2 853/6
Adam [1] 712/6
added [1] 794/5
addition [1] 852/9
additional [2] 739/22 766/12
address [1] 738/20
adequate [1] 749/8
adjourned [2] 856/8 856/10
adjustments [1] 728/7
administer [1] 746/16
administered [1] 746/21
admission [4] 789/23 801/11 844/2 847/17
admit [5] 737/14 817/23 820/8 828/3 836/2
admitted [1] 793/15
ADRIENNE [1] 709/16
ads [7] 824/7 824/8 824/9 824/9 825/16 825/17 843/11
advantages [1] 715/6
adversely [1] 776/12
advertisement [4] 821/11 822/11 822/15 824/13
advertisements [5] 819/18 821/4 821/5 821/7 824/24
advertising [3] 825/10 825/20 844/18
advice [2] 769/8 769/10
advise [2] 764/25 854/1
advised [6] 764/20 765/24 767/5 767/11 768/11 768/15
Adwoa [1] 712/8
affairs [1] 781/21
affect [4] 774/16 775/13 775/21 800/21
affected [2] 765/4 767/22
affects [1] 776/12
affix [1] 834/5
affordable [1] 750/8
after [16] 717/10 722/16 722/19 722/25 730/11 731/20 740/2 740/9 742/1 744/6 766/9 786/1 800/16 804/22 841/10 854/6
afternoon [14] 709/15 714/3 728/14 742/23 743/2 776/23 776/24 784/7 805/7 805/13 805/16 806/3 839/3 839/4
afterwards [1] 769/12
again [17] 722/8 728/14 730/18 768/18 768/19 769/14 770/5 787/20 823/14 823/20 825/1 825/6 825/9 827/3 837/15 839/6 851/15
against [12] 727/10 740/12 741/22 758/14 773/5 775/3 785/18 838/7 845/24 848/14 852/15 852/20
age [1] 839/18
ago [13] 737/8 741/19 745/24 785/21 785/24 793/19 796/2 840/2 840/3 842/4 845/17 850/10 852/6
agree [13] 781/1 786/7 787/9 788/20 792/6 792/7 797/5 798/1 800/25 801/8 808/18 832/10 840/18
agreed [6] 731/14 732/10 733/6 735/6 757/24 792/1
agreeing [1] 723/11
agreement [16] 716/16 753/16 753/21 754/3 756/9 758/24 781/5 791/12 791/23 791/24 792/8 792/10 792/13 795/9 795/11 795/15
agreements [9] 733/16 774/12 779/10 795/20 796/3 796/5 796/14 798/18 799/5
ahead [1] 742/8
Aid [1] 780/4
al [1] 709/3

Alaska [5] 723/23 724/1 725/2 725/6 725/15
ALB [5] 822/2 822/4 825/1 829/20 829/22
ALB/Vons [2] 822/2 825/1
ALBERTSONS [87] 709/7 712/1 717/19 721/9 723/24 726/16 727/4 727/17 731/21 732/15 732/16 732/23 733/4 734/8 735/9 738/24 739/2 739/7 739/8 739/18 745/19 745/21 747/9 747/13 753/4 753/11 753/13 753/13 753/17 754/12 754/14 756/12 756/13 758/3 758/13 759/3 761/20 763/6 763/11 765/10 766/2 766/6 766/9 766/11 772/19 773/10 774/3 780/14 788/10 791/2 795/7 801/19 801/22 802/2 802/11 803/14 804/22 812/10 812/13 812/14 812/24 813/6 813/11 815/9 815/12 815/15 821/17 822/4 822/6 822/12 822/16 823/9 823/22 824/23 825/4 825/10 825/20 829/22 830/1 831/4 831/5 831/7 838/7 838/11 838/17 841/17 851/13
Albertsons' [5] 733/14 814/17 814/21 821/5 830/15
Albertsons-Safeway [2] 739/2 739/18
Aldi [5] 846/4 846/8 851/15 851/16 855/18
Alex [2] 805/14 806/3
Alex Bryson [2] 805/14 806/3
Alexander [1] 710/9
alike [1] 732/8
all [82] 716/7 718/17 726/11 726/19 727/12 727/21 746/16 746/22 748/1 748/14 748/14 750/2 750/9 750/11 751/23 751/24 752/9 752/17 753/5 753/9 753/14 754/5 754/7 755/3 756/7 756/7 757/21 759/1 759/11 762/12 764/25 766/25 767/9 768/5 768/18 770/4 770/5 770/17 772/6 775/17 776/4 776/5 776/13 777/11 777/18 779/7 782/21 783/18 783/19 786/23 786/25 792/25 794/17 796/15 796/16 800/21 802/4 802/5 802/6 802/13 811/16 815/7 819/15 824/9 829/12 831/5 831/7 834/23 834/23 840/11 840/12 840/22 842/10 842/24 844/19 845/20 848/11 848/14 849/12 854/1 854/4 854/12
Allen [6] 820/19 820/22 823/8 823/16 823/21 824/19
Allen's [2] 822/13 825/9
allow [2] 775/2 798/13
almost [9] 749/19 759/6 775/17 784/7 784/9 799/2 840/2 841/3 852/6
alone [3] 718/9 722/17 749/7
along [3] 738/12 763/9 851/21
already [2] 738/10 772/14
also [58] 712/15 712/17 717/22 720/20 729/7 729/15 730/2 731/23 735/6 739/12 740/25 746/19 746/23 747/16 748/13 749/14 751/3 751/12 751/20 752/2 752/23 753/11 753/14 753/21 755/2 761/10 762/6 764/2 764/9 771/13 771/21 780/1 784/16 784/17 795/20 796/10 798/11 800/21 804/19 809/1 809/14 809/18 812/25 813/8 814/23 816/20 819/23 821/7 821/17 821/19 821/21 823/11 826/6 834/15 838/2 838/19 852/11 855/17
alternative [1] 764/4
alternatives [1] 811/5
although [1] 856/3
always [8] 759/6 761/3 765/5 776/10 776/10 781/14 784/7 784/9
am [4] 736/18 750/19 762/24 799/13
Amazon [12] 718/23 719/2 719/6 719/22 841/18 845/10 846/7 853/3 853/5 853/7 853/11 853/11
Amazon Fresh [4] 845/10 846/7 853/5 853/7
among [2] 745/21 769/11
amount [3] 724/13 738/10 833/24
amounts [1] 725/11
analysis [5] 792/25 793/8 793/15 796/1 803/22
analyst [7] 772/9 792/22 792/22 792/24 803/18 803/22 817/21
analysts [2] 794/13 794/13
analytical [4] 794/8 794/11 796/1 796/18
analytics [2] 815/4 846/23

A

analyze [1] 772/9
analyzed [1] 772/8
analyzes [1] 846/24
and/or [1] 826/10
Andrea [6] 712/17 713/4 742/25 743/3 743/7 789/10
Andrew [2] 711/13 712/11
Angeles [4] 743/20 744/10 744/18 754/25
Angeli [2] 712/2 712/2
Ann [2] 731/12 732/13
announce [1] 726/20
announced [4] 721/13 722/6 769/19 792/25
announcement [2] 717/18 717/21
another [32] 733/18 737/7 746/10 755/8 758/14 760/15
760/21 762/14 762/21 767/19 767/20 778/20 778/25 780/11
780/20 782/20 804/25 810/18 812/24 816/22 819/20 824/19
824/23 826/12 826/20 827/2 848/6 850/15 852/18 852/19
852/24 855/25
answer [4] 722/17 722/18 824/10 828/17
anticipate [1] 803/4
antitrust [1] 792/18
any [51] 714/18 714/22 714/23 715/19 715/23 716/20
716/21 717/2 717/9 717/24 717/25 718/4 719/23 720/11
722/17 723/22 724/8 742/11 754/24 755/24 756/22 758/11
762/25 769/2 770/16 771/3 771/11 772/1 773/16 773/24
775/5 775/10 780/21 782/23 783/7 783/10 783/17 793/8
793/15 793/19 793/23 793/24 794/14 803/6 807/24 808/7
816/1 834/21 834/25 842/12 854/8
anyplace [1] 765/25
Anything [1] 809/9
anyway [1] 727/24
anywhere [4] 715/23 716/4 738/24 762/23
apart [3] 718/4 788/20 797/13
apartment [1] 749/12
Apodaca [2] 857/8 857/9
apologize [3] 789/15 827/21 853/16
appealing [1] 718/15
APPEARANCES [1] 710/1
appears [2] 843/20 847/9
apple [1] 839/18
appreciate [4] 728/10 779/13 780/24 794/10
appreciation [2] 739/16 739/21
apprenticeship [1] 751/18
approach [3] 730/15 780/14 806/8
approached [1] 770/22
approval [1] 792/13
approve [4] 789/16 802/21 816/14 844/14
approved [2] 789/21 800/12
approximately [3] 746/13 797/8 797/10
April [2] 824/16 824/22
April 25th [2] 824/16 824/22
are [195]
area [12] 721/5 723/12 756/21 760/22 770/7 773/1 780/20
796/22 796/24 805/2 842/13 852/16
areas [6] 755/3 755/20 756/8 773/3 779/19 853/4
aren't [10] 719/10 749/8 757/25 760/1 760/20 761/13
773/19 774/24 822/18 848/13
Arens [1] 710/7
Arizona [1] 797/16
Arnold [1] 711/11
around [22] 715/1 715/11 718/14 718/17 721/2 721/4
722/13 727/24 755/21 755/21 771/22 774/11 776/4 776/13
779/8 779/11 779/14 780/9 817/2 832/21 845/25 853/6
arrived [1] 846/13
article [2] 734/8 734/12
articles [1] 781/17
as [97] 714/21 716/6 718/19 719/11 719/18 720/3 720/11

720/21 722/18 723/25 725/3 726/25 727/4 728/15 729/16
731/21 733/9 734/13 744/20 745/23 746/15 747/14 748/17
749/17 750/3 752/16 753/24 756/2 756/13 756/16 756/17
756/24 761/9 761/9 761/23 762/23 762/23 767/23 773/4
773/9 780/4 780/5 781/9 781/11 781/13 785/5 787/9 787/21
788/22 790/6 792/14 796/25 797/15 797/15 798/19 799/4
801/5 802/18 804/23 808/3 808/19 811/15 812/11 813/1
813/1 813/12 813/14 816/21 819/9 819/23 820/6 822/12
822/12 822/14 826/24 829/4 830/12 831/8 832/1 832/24
840/5 840/9 840/12 840/13 841/4 842/1 842/3 842/16 846/9
847/15 851/6 851/6 852/3 852/3 852/22 854/1 854/14
Asian [1] 852/11
aside [4] 721/17 723/13 753/17 819/16
ask [15] 720/8 748/3 750/15 753/2 759/3 761/1 782/6
783/1 793/12 794/22 799/14 807/2 812/9 815/17 816/25
asked [10] 722/16 793/20 794/21 798/14 803/17 803/25
804/11 804/19 828/13 848/2
asking [4] 760/3 760/7 800/6 804/6
aspect [2] 746/17 749/19
aspects [4] 748/12 757/21 771/16 792/25
asserting [1] 778/17
assess [1] 813/18
assessment [2] 769/2 813/24
assets [1] 719/25
assist [2] 747/7 792/23
associate [1] 786/24
associates [4] 737/2 738/19 740/2 740/8
assume [4] 716/11 716/14 733/15 818/20
assumed [1] 716/15
assuming [5] 720/7 725/23 783/12 791/2 801/7
assure [1] 749/8
attached [2] 750/11 799/24
attachment [3] 817/14 818/3 847/23
attachments [1] 820/6
attempt [2] 777/15 781/21
attempted [2] 794/1 794/4
attempting [1] 727/3
attendants [1] 745/13
attention [5] 722/8 739/12 773/16 775/7 780/23
Attorney [3] 710/13 710/16 806/4
attorneys [4] 727/7 728/8 776/22 817/1
attract [1] 832/7
attributed [1] 735/22
August [6] 709/6 714/1 737/9 741/19 741/22 857/8
August 15th [1] 741/19
August 17th [1] 741/22
August 6th [1] 737/9
authored [2] 789/10 801/13
authority [2] 815/19 838/5
authorized [2] 741/21 741/21
autonomy [2] 838/6 838/16
available [19] 722/15 722/19 732/22 734/20 748/4 777/19
781/4 782/7 782/22 782/24 783/4 783/6 783/7 783/22
784/12 795/21 804/21 828/1 828/24
Avenue [6] 710/10 710/14 711/2 711/7 711/11 712/10
average [1] 724/18
avoid [4] 727/13 760/9 763/8 786/6
aware [8] 715/13 715/15 715/23 720/25 723/14 723/15
762/24 785/1

B

back [18] 723/20 728/22 732/9 733/5 733/12 733/21
735/12 747/21 761/3 761/3 766/1 768/17 781/8 827/12
835/10 838/4 846/2 852/17
backed [1] 808/25
background [1] 729/4
bagging [1] 839/17

B

bags [1] 809/15
baked [1] 808/22
Bakersfield [1] 797/16
bakery [6] 808/4 812/18 812/25 813/7 845/21 851/24
Bambo [1] 711/4
ban [1] 788/4
bankruptcy [1] 765/23
banner [16] 753/8 753/9 753/13 753/14 753/14 756/15 765/7 765/15 806/16 812/24 813/6 830/1 835/21 835/22 835/23 850/15
bannered [1] 813/11
banners [3] 756/12 766/8 812/14
bar [2] 816/24 817/10
bargain [9] 747/3 748/7 748/9 748/9 748/10 748/10 748/16 762/12 783/2
bargained [1] 759/2
bargainers [1] 722/14
bargaining [68] 722/13 723/3 724/19 733/16 735/19 735/23 736/1 736/5 736/10 737/7 737/11 737/20 741/15 744/15 747/2 747/3 747/12 747/15 747/17 747/17 747/21 747/24 753/3 753/16 753/20 754/2 755/5 756/9 756/23 758/24 759/10 763/19 774/12 775/5 777/20 778/3 778/25 779/6 779/10 780/10 780/11 781/5 781/10 785/6 787/22 788/1 791/5 791/8 791/18 791/21 791/25 792/2 792/4 792/8 792/13 793/13 794/6 795/9 795/11 795/15 795/20 796/3 796/5 796/12 796/13 797/2 798/18 799/5
bargainings [1] 748/1
bargains [1] 744/19
Barrington [1] 711/6
bars [1] 819/12
base [1] 758/20
based [27] 721/21 721/21 728/4 742/15 750/1 750/9 750/12 750/18 756/22 763/19 765/16 765/17 767/20 767/25 773/7 773/25 774/15 775/1 775/12 779/3 787/23 791/20 815/11 833/22 846/23 848/17 850/19
basic [1] 732/20
basically [4] 760/7 770/5 840/13 848/10
basis [4] 725/8 744/4 803/23 804/15
battle [1] 842/10
be [154]
bear [1] 781/5
beauty [2] 808/4 809/18
became [2] 744/23 839/23
because [77] 727/13 727/15 728/22 734/19 749/6 750/11 752/10 752/22 755/6 757/8 757/13 757/23 758/15 758/15 758/21 758/24 760/4 760/10 761/11 761/12 762/1 762/7 762/16 763/10 763/15 764/5 767/10 768/6 768/15 770/3 770/9 770/11 771/8 771/14 773/12 773/16 774/13 774/20 774/21 774/23 775/4 775/5 775/15 775/19 780/24 784/20 788/14 788/17 788/20 790/3 790/4 791/21 797/10 798/23 798/24 799/8 799/23 804/23 807/12 811/19 812/5 815/14 819/9 824/3 824/5 837/17 838/10 838/16 841/3 842/20 844/11 845/25 846/10 849/7 851/4 854/5 855/1
become [2] 743/22 832/2
been [46] 716/23 727/19 727/20 728/8 729/16 736/9 739/15 739/22 744/22 744/24 745/2 758/8 759/18 759/19 763/19 764/22 765/19 767/2 767/12 770/11 770/22 773/7 776/11 776/14 788/15 788/21 790/5 794/24 795/4 798/25 799/25 811/3 818/4 819/3 824/13 839/13 846/12 851/15 852/1 853/10 855/7 855/8 855/14 855/14 855/17 856/1
before [16] 709/16 714/8 714/8 723/19 759/18 760/13 777/1 796/21 800/12 806/5 808/16 808/19 839/5 846/12 855/5 855/24
beginning [2] 827/12 835/10
begins [1] 790/3
behalf [8] 716/22 742/24 746/25 748/8 775/14 775/22

787/10 805/14
behind [2] 800/2 809/9
being [13] 714/13 715/7 715/9 715/12 722/19 725/19 727/1 727/1 736/20 751/20 752/11 783/4 838/18
believe [23] 720/19 723/2 729/21 736/4 736/8 739/10 742/16 763/16 763/22 763/24 763/25 764/2 769/13 769/22 774/20 787/21 791/3 794/16 804/23 806/5 833/25 834/3 849/18
believed [3] 718/11 733/8 768/9
below [10] 790/2 818/18 819/4 821/1 823/11 828/23 831/3 831/5 837/19 857/3
benchmark [1] 838/6
benefit [12] 725/22 726/13 742/13 761/23 762/6 762/11 762/14 762/20 762/20 763/1 789/18 838/18
benefited [1] 776/8
benefits [46] 725/8 738/1 740/1 740/9 742/13 746/22 748/4 748/9 749/17 749/19 749/20 749/21 749/23 750/3 750/6 750/8 750/12 752/22 752/25 752/25 757/2 757/4 757/5 757/8 757/10 758/9 761/14 762/7 762/8 762/10 762/16 762/22 762/23 766/25 767/8 774/6 775/18 775/22 776/4 785/15 788/22 790/6 790/14 795/12 795/24 799/4
besides [1] 824/11
best [11] 734/10 771/6 775/18 777/15 792/9 792/11 792/14 796/11 796/12 796/13 851/23
bet [1] 852/5
Beth [1] 712/6
better [7] 732/3 750/6 763/5 773/10 794/25 815/14 838/17
between [12] 720/19 721/9 721/15 723/24 724/21 726/16 783/12 785/1 803/14 807/19 819/6 823/22
beyond [1] 717/3
big [6] 723/20 733/1 749/25 784/5 800/14 806/20
big-box [1] 733/1
bigger [2] 745/21 807/12
biggest [1] 849/18
bill [1] 725/3
billboard [1] 739/24
billion [1] 740/8
binder [13] 740/25 800/1 816/17 816/18 818/7 819/20 827/3 827/7 827/8 827/9 835/8 843/18 847/7
binders [4] 730/16 777/2 806/9 839/9
bit [15] 728/18 746/14 761/16 764/16 766/1 771/10 801/18 811/22 815/23 819/3 822/21 825/22 831/23 833/12 833/13
black [1] 816/24
block [1] 817/20
blog [1] 781/16
blunt [3] 842/23 843/2 844/12
board [4] 734/17 734/18 744/4 744/7
body [2] 821/1 822/19
bolts [1] 751/12
book [2] 789/2 799/12
boots [14] 840/17 840/20 840/22 842/3 844/17 846/14 846/16 848/19 851/6 852/3 852/5 853/12 854/21 854/24
boots-on-the-ground [1] 846/14
boots-on-the-grounds [1] 840/17
border [2] 797/16 840/12
Boston [1] 711/18
both [8] 718/23 719/4 771/16 784/1 786/14 833/5 838/18 852/16
bought [1] 734/23
box [2] 733/1 735/2
boycott [17] 755/9 758/16 759/5 759/22 759/23 759/25 760/7 760/11 760/15 763/4 764/13 766/18 773/23 774/17 774/23 782/13 782/13
boycotts [3] 760/13 782/11 782/19
Bradley [1] 712/5
brand [7] 738/15 809/22 809/25 810/4 810/21 811/4 851/12

B

brand-new [1] 738/15
brands [5] 765/9 810/2 810/6 810/17 810/18
bread [1] 808/25
break [5] 714/8 788/19 805/7 833/2 833/12
breaks [1] 821/13
brief [1] 742/7
briefly [2] 747/11 846/22
bring [17] 731/25 778/3 779/6 780/22 781/4 793/7 793/14
794/9 794/10 794/14 794/20 794/20 794/21 794/21 804/2
821/13 842/8
Brink [3] 835/14 835/25 836/8
Brophy [1] 843/21
Bros [1] 824/24
Bros' [1] 821/8
Brothers [13] 753/19 753/21 754/10 754/13 754/23 756/18
757/15 780/15 821/21 823/12 823/23 838/8 850/23
Brothers' [1] 754/20
brought [2] 715/5 842/9
Bryson [5] 710/9 805/14 806/3 843/9 854/16
budget [6] 834/19 834/20 834/22 834/24 835/4 835/6
building [2] 734/22 784/17
bullet [2] 738/3 738/4
bump [3] 767/20 769/7 769/24
bumping [13] 767/16 767/17 767/21 768/2 768/3 768/12
768/14 768/17 769/4 769/15 770/14 770/17 770/24
business [33] 715/9 715/13 719/7 719/8 726/7 731/23
755/11 757/3 761/11 761/12 761/25 764/10 764/11 765/23
767/15 774/24 774/25 776/11 786/10 786/11 789/18 801/13
835/1 839/14 839/20 842/20 843/25 846/10 847/12 853/14
853/15 853/25 854/5
busy [1] 773/21
buy [10] 725/17 739/2 739/18 749/12 760/16 764/5 812/2
812/6 849/22 851/19
buyer [1] 733/15
buyers [3] 718/18 718/21 732/4
buying [3] 719/10 725/20 739/7

C

CA [2] 710/14 711/5
cake [1] 809/1
calculations [1] 747/7
CALIFORNIA [73] 710/12 710/13 747/18 749/7 753/7
753/9 753/12 753/15 753/18 753/20 753/22 754/6 754/16
754/21 754/23 754/24 755/1 755/3 756/2 756/7 756/10
764/23 766/4 766/8 766/10 771/8 771/20 771/23 772/2
772/2 772/4 772/15 772/16 772/20 772/22 773/19 775/9
779/9 779/21 780/18 784/21 787/4 788/4 794/25 795/6
796/12 798/9 798/20 798/23 806/16 806/18 806/19 806/20
806/22 812/10 812/13 815/8 840/23 841/8 841/11 841/15
848/9 848/12 848/20 849/14 849/20 850/2 850/20 851/7
852/4 852/12 853/1 853/13
call [7] 742/22 742/25 778/15 805/11 805/17 823/6 855/25
call-outs [1] 823/6
called [6] 729/16 740/5 765/11 767/16 778/14 782/13
came [3] 734/18 802/18 852/6
campus [1] 744/1
can [59] 719/6 720/7 729/23 734/23 735/1 739/2 739/4
739/18 740/20 746/14 749/11 749/15 751/7 751/11 751/25
751/25 756/4 757/20 760/9 761/13 761/16 762/5 763/22
764/4 764/9 766/20 766/24 767/1 767/24 775/13 783/18
783/19 784/17 784/19 786/21 797/5 797/25 798/7 798/23
805/6 807/24 810/25 811/15 814/19 817/1 818/11 819/14
819/16 835/7 835/8 837/7 840/9 841/12 842/8 844/7 844/17
844/24 845/17 846/22
can't [5] 716/24 718/24 755/10 792/3 803/4
candidly [1] 742/16

cannabis [1] 745/7
capacity [3] 787/21 813/14 847/14
capital [1] 839/18
car [1] 749/12
care [3] 732/21 775/7 808/4
career [7] 745/1 745/22 759/2 759/6 764/17 764/23 770/5
carefully [1] 814/10
Carol [2] 817/6 817/18
Carrs [2] 725/2 725/15
carry [4] 810/15 811/13 842/7 844/11
carrying [1] 814/9
Carson [1] 845/24
case [11] 709/4 722/18 722/24 792/18 792/23 793/18
796/21 831/9 831/10 831/11 841/6
cases [2] 809/6 809/11
Casey [1] 711/1
catch [1] 738/9
caught [1] 733/3
cause [3] 726/5 742/11 857/5
caused [3] 720/21 722/10 724/2
CBA [12] 754/1 758/6 773/9 773/10 796/22 796/24 797/1
797/3 797/3 797/5 797/12 802/19
CBAs [7] 754/5 757/16 757/17 794/24 795/8 797/9 798/5
ceiling [3] 819/9 819/14 831/8
center [2] 715/3 725/16
centers [1] 772/2
cents [5] 724/17 830/25 836/11 844/10 845/3
Cerberus [5] 732/14 732/15 734/9 734/21 735/1
certain [10] 714/11 727/25 749/10 750/8 754/16 754/23
778/24 795/7 804/20 834/7
certainly [6] 719/16 723/16 792/6 814/20 822/21 825/18
certified [2] 792/24 857/7
certify [1] 857/3
cetera [7] 751/1 751/14 755/22 766/25 798/24 805/1
843/12
chain [11] 753/19 753/22 820/13 820/18 820/21 828/20
831/16 836/8 836/15 850/19 853/1
chains [1] 755/10
chance [3] 767/6 768/12 769/21
change [14] 727/14 732/6 735/22 736/2 783/12 783/15
783/16 783/17 832/22 832/25 833/1 833/8 833/10 853/20
changed [1] 833/4
changes [5] 738/13 775/5 827/25 833/22 834/11
changing [4] 831/24 833/20 833/24 834/13
charge [1] 723/20
Charles [1] 710/3
chart [4] 790/2 818/22 829/10 829/15
check [4] 751/4 826/8 826/9 826/12
checkouts [1] 715/4
checks [3] 826/6 826/12 826/23
cheese [1] 809/12
Chicago [1] 710/18
chief [5] 746/18 746/25 747/14 747/16 747/16
choice [4] 765/14 767/3 767/4 769/14
chose [4] 718/8 718/19 734/13 741/24
Christian [1] 711/10
Christine [1] 711/20
Christopher [1] 710/19
Ciaran [1] 712/16
Cincinnati [17] 711/22 815/18 815/24 816/11 826/3 826/24
828/15 831/12 832/15 833/3 834/10 834/19 837/18 842/8
844/16 844/18 852/9
Cincinnati's [1] 838/5
circumstances [1] 803/4
cities [1] 756/8
Civil [1] 710/23
claims [1] 727/24

C

clarification [7] 779/14 780/24 786/20 787/20 792/12 800/4 806/19
clarity [1] 729/19
clarity's [1] 807/22
classifications [1] 750/18
clause [1] 784/22
Clay [18] 712/15 713/3 714/8 721/8 726/15 728/5 728/14 730/21 733/22 734/16 735/16 737/7 738/9 738/17 739/25 740/24 742/1 742/11
clean [5] 813/19 813/21 813/25 814/10 843/1
cleaner [1] 838/19
cleaning [1] 809/14
clear [10] 736/12 736/22 738/17 740/6 740/20 791/5 793/5 793/12 825/18 854/17
clearly [2] 801/3 811/24
clerk [2] 751/21 809/9
close [10] 723/8 724/10 759/7 765/6 773/22 797/22 798/1 812/3 812/7 852/22
closely [1] 758/15
closes [3] 740/2 740/9 790/24
closing [1] 725/13
closure [1] 723/12
closures [1] 723/5
Club [2] 850/1 855/11
Coast [2] 738/12 796/13
cold [1] 745/11
colleague [2] 777/2 839/8
colleagues [1] 780/8
collective [28] 733/16 744/14 747/2 747/11 747/24 748/1 753/3 753/16 753/20 754/2 755/5 756/9 756/23 758/24 774/12 777/20 779/10 792/8 792/13 795/9 795/11 795/15 795/20 796/3 796/5 796/12 796/13 799/5
collective bargaining [1] 796/12
college [4] 743/24 744/5 744/6 744/8
color [1] 800/6
column [2] 830/7 845/7
columns [1] 829/15
combat [1] 852/7
combination [1] 726/4
combined [4] 718/14 733/1 733/8 773/10
come [21] 721/22 722/8 727/10 728/2 729/9 756/20 759/7 761/2 761/3 763/9 763/18 797/10 808/15 808/19 811/23 811/23 832/18 833/13 833/25 835/1 851/3
comes [1] 725/22
comfortable [1] 765/21
coming [7] 727/22 727/23 759/11 815/4 831/18 842/24 854/6
Commercial [1] 744/10
Commercial [1] 743/18
commission [8] 709/3 710/2 710/4 710/10 742/24 785/8 805/15 806/5
commitment [5] 718/12 721/23 740/1 740/7 742/12
commitments [3] 718/12 720/20 720/25
committed [1] 722/12
common [3] 778/17 812/6 847/2
communication [1] 721/5
communications [1] 721/2
communities [9] 718/13 720/21 721/3 721/7 722/12 723/1 730/3 732/20 739/14
community [2] 744/1 778/21
companies [18] 709/7 712/1 755/6 759/7 759/8 759/13 759/15 760/12 761/4 761/11 766/15 770/8 774/14 784/10 800/20 801/5 841/14 854/4
company [49] 709/6 711/1 711/21 718/24 718/25 719/1 719/20 723/16 723/17 724/2 725/17 725/20 727/12 727/12 727/22 733/3 733/15 734/21 734/23 750/11 758/19 758/21

761/19 762/22 763/15 765/11 765/17 765/19 765/19 766/16 766/17 766/23 766/24 766/24 767/1 767/5 767/12 767/19 768/12 768/23 768/24 769/7 769/22 773/2 773/11 774/12 776/5 805/18 853/3
comparable [3] 760/19 761/9 822/22
compare [6] 752/7 752/18 754/10 754/11 814/16 814/20
compared [6] 715/20 719/25 756/24 757/15 815/12 822/16
compares [2] 814/17 814/21
comparing [3] 796/3 821/4 825/20
comparison [8] 821/2 822/8 823/11 823/14 823/22 824/8 824/23 825/6
comparisons [3] 823/18 823/25 825/15
compensation [6] 748/12 752/20 752/24 752/25 774/7 776/6
compete [16] 725/10 726/9 758/1 758/15 771/25 841/21 841/24 842/1 842/2 842/2 846/13 849/8 849/13 849/17 852/2 853/11
competing [6] 725/12 725/21 841/7 841/15 846/11 846/16
competition [6] 812/10 824/5 826/9 838/11 840/18 840/24
competitive [9] 726/3 726/4 727/23 815/8 840/25 842/10 842/14 843/15 845/1
competitor [16] 758/22 760/8 762/1 764/11 773/17 792/4 813/15 845/7 845/9 850/1 850/13 850/21 851/4 851/10 851/16 852/25
competitor's [1] 826/13
competitors [8] 814/2 814/5 824/12 841/10 842/24 843/2 846/9 852/14
competitors' [2] 813/17 855/1
complete [3] 751/22 757/23 846/18
completely [2] 724/6 765/8
compounds [1] 820/3
comprehensive [1] 762/23
concept [4] 758/5 759/23 834/18 853/5
concern [10] 719/19 719/22 724/3 724/4 725/5 725/7 725/9 725/10 725/14 786/17
concerned [2] 724/23 726/6
concerning [3] 718/23 719/3 815/25
concerns [2] 719/15 733/12
conclude [1] 716/7
conclusion [2] 726/21 727/22
conditioner [1] 809/19
conditions [3] 780/10 795/12 795/21
conducted [1] 803/21
conference [1] 742/3
conferences [2] 781/18 781/19
configurations [1] 811/14
conformed [1] 857/6
Congratulations [1] 849/2
Connelly [1] 712/16
Connolly [1] 712/9
consent [1] 791/9
consented [2] 791/4 791/12
consenting [1] 791/10
consider [5] 755/18 756/11 756/17 841/14 852/14
consists [1] 788/25
constitute [1] 773/3
consumer [10] 752/3 752/15 814/24 815/2 815/5 815/5 815/11 846/20 846/24 848/11
consumers [1] 804/25
contact [2] 782/2 849/20
contained [1] 756/20
contains [1] 731/11
context [3] 755/16 758/6 759/23
continue [4] 714/4 729/23 732/22 762/16
continued [4] 719/20 719/21 791/20 792/2
continues [1] 837/2
contract [27] 716/11 716/12 716/15 727/10 744/20 746/2

C

contract... [21] 746/8 746/20 748/15 748/25 753/25 763/10 763/19 766/22 773/14 775/6 778/25 779/7 779/16 780/13 780/16 784/19 784/20 784/21 784/21 785/11 803/1
contracts [20] 716/8 717/5 717/9 717/14 745/17 746/19 758/8 765/13 777/15 777/23 788/16 790/18 791/19 798/6 798/21 798/25 799/1 799/3 799/8 800/14
contracts still [1] 798/25
contribute [1] 762/11
contributing [1] 762/18
contribution [1] 725/7
contributions [1] 762/15
control [3] 757/1 757/11 775/17
convenience [1] 811/24
conventional [1] 851/10
conversation [5] 720/16 720/17 730/9 730/10 776/25
conversations [1] 742/15
convince [2] 771/4 771/6
cookies [1] 808/25
cooperative [1] 844/19
coordinate [1] 781/25
coordinated [1] 792/2
Cornell [1] 743/25
corner [1] 841/4
corporate [3] 772/12 800/21 817/21
correct [219]
correctly [4] 761/7 795/3 801/6 830/11
cost [4] 738/14 749/6 757/5 837/3
Costa [2] 852/21 852/21
Costco [7] 824/6 841/17 849/17 849/18 850/3 851/18 855/8
costs [2] 833/9 833/9
could [35] 714/10 717/12 718/7 723/4 726/9 733/14 734/7 738/7 747/1 747/11 759/22 766/15 768/22 773/2 776/4 778/23 789/2 799/10 804/6 809/24 815/2 815/23 816/7 816/9 818/3 818/7 818/8 824/15 826/11 832/1 832/1 847/6 848/5 848/6 848/7
couldn't [4] 726/9 757/22 855/15 855/18
counsel [9] 711/20 728/19 733/19 737/24 743/1 794/15 794/21 799/22 818/9
counter [1] 809/9
counterproposals [1] 747/5
counters [1] 813/7
counties [1] 756/8
country [19] 716/4 755/8 755/10 771/18 771/22 772/24 774/11 779/8 779/11 779/15 779/16 780/2 780/9 780/17 788/23 790/7 794/25 795/16 841/1
County [2] 743/19 743/20
couple [11] 741/19 748/3 762/5 793/19 815/17 818/23 820/6 839/23 842/4 849/5 855/5
course [12] 730/19 789/18 796/25 798/4 801/12 803/13 835/1 843/24 846/9 847/12 853/25 856/4
court [25] 709/1 709/17 710/23 714/3 740/23 747/1 785/4 790/19 793/3 793/8 793/14 794/14 804/2 815/2 817/1 818/9 821/10 840/10 844/7 845/18 846/22 848/7 856/4 856/10 857/9
courthouse [1] 742/3
courtroom [3] 846/12 851/3 853/10
covered [3] 724/18 753/15 756/8
covers [2] 797/12 797/15
Cowie [1] 712/7
create [1] 789/14
created [4] 793/23 793/24 843/24 845/2
credibility [1] 774/18
credible [2] 764/14 771/8
credibly [1] 774/16
credit [1] 749/11

crisper [1] 838/19
critical [1] 852/10
cross [6] 713/2 728/12 729/18 776/19 804/10 839/1
cross-examination [5] 728/12 729/18 776/19 804/10 839/1
crossing [1] 760/20
CRR [1] 857/9
CSSP [2] 818/13 818/16
current [15] 722/2 722/5 723/4 726/15 726/17 727/17 737/1 743/15 755/13 806/12 806/14 831/3 837/25 838/2 843/15
currently [7] 721/8 724/11 725/14 735/19 741/15 743/13 771/15
custom [1] 809/1
customer [14] 751/12 752/10 752/14 752/16 752/17 758/20 761/1 786/24 809/10 832/6 838/18 842/11 846/25 847/10
customer-facing [2] 752/16 752/17
customers [48] 732/7 735/4 751/11 751/15 752/9 752/12 758/18 758/22 760/3 760/7 760/16 760/20 761/6 761/8 762/2 762/3 764/2 764/3 764/5 764/7 765/6 767/9 768/9 770/1 773/2 774/22 774/23 778/9 786/15 805/3 808/15 810/25 811/15 811/19 811/22 811/23 812/2 812/6 814/13 815/15 821/14 832/8 847/2 848/9 848/18 848/19 849/22 851/19
customers' [3] 730/6 774/21 841/12
cut [1] 752/15
cuts [2] 751/23 752/12
cutter [8] 751/8 751/9 751/17 751/22 752/6 752/8 752/18 752/20
cutters [5] 750/23 751/7 751/19 801/25 802/3
cutting [1] 751/10
cv [1] 709/4
CVS [3] 775/6 780/4 800/16

D

dairy [1] 808/3
Dallas [1] 840/4
damage [1] 786/21
Dan [1] 713/3
dangerous [1] 752/2
Daniel [2] 710/3 712/15
data [4] 793/8 793/15 794/13 796/1
date [2] 789/13 857/9
dated [4] 737/8 820/23 843/21 847/10
David [1] 712/2
Davis [1] 711/10
day [6] 709/15 746/2 751/10 761/22 846/17 856/1
Day-Lee [1] 746/2
days [2] 750/9 786/1
DC [6] 710/5 710/11 711/12 711/15 712/10 712/13
de [1] 774/19
deal [3] 717/1 723/18 773/10
dealt [1] 772/10
decades [1] 747/22
December [1] 836/12
Dechert [1] 712/12
decide [3] 757/4 816/2 832/14
decided [1] 844/12
decides [2] 767/18 833/3
decision [6] 734/18 734/19 791/10 791/14 791/15 832/17
decisions [2] 776/6 815/19
declines [1] 774/24
decorating [1] 809/1
decrease [2] 843/7 845/25
decreases [2] 852/16 852/22
DEFENDANT [2] 711/1 712/1
Defendant's [1] 789/23

D

defendants [2] 709/8 729/16
defined [1] 763/1
definitely [11] 714/17 715/10 726/14 727/7 748/20 750/24
 751/5 760/21 780/14 780/22 789/20
deli [8] 808/4 809/5 809/11 812/18 812/25 813/7 845/20
 851/24
deliver [1] 732/6
demanded [2] 737/2 738/17
demands [4] 732/2 763/12 766/18 775/20
demonstrate [2] 760/9 764/9
demonstrative [1] 740/22
Dennis [2] 857/8 857/9
density [4] 755/24 756/2 756/4 773/1
deodorant [1] 809/19
department [6] 710/22 750/24 750/25 751/21 834/8 850/7
departments [2] 715/3 808/2
depending [2] 809/23 843/1
deposed [2] 741/11 793/18
deposition [8] 728/16 735/12 800/2 855/4 855/7 855/10
 855/13 855/17
describe [3] 747/1 747/11 840/23
described [2] 792/1 796/4
describing [1] 767/16
deserve [1] 774/7
desk [2] 824/9 853/6
despite [1] 838/4
detail [2] 716/25 728/20
determine [1] 734/10
deterrent [1] 809/15
developed [1] 714/23
device [1] 826/21
Dickinson [1] 710/3
did [50] 715/19 716/7 716/20 717/4 717/8 717/14 717/17
 717/20 717/21 717/24 719/23 723/7 726/12 727/13 728/21
 743/22 744/6 759/20 761/7 766/12 768/2 768/16 770/25
 784/7 789/15 789/17 791/14 791/19 791/24 792/22 793/7
 793/14 793/17 800/13 800/23 801/6 801/7 801/8 803/12
 803/13 803/21 803/22 808/7 825/16 839/16 844/14 848/17
 848/24 852/7 855/10
didn't [25] 715/15 722/17 727/15 727/15 766/15 768/14
 768/23 770/6 780/17 783/1 785/22 789/14 790/18 790/21
 791/17 791/17 793/12 794/14 794/15 794/20 794/20 794/21
 794/21 804/2 842/6
diff [1] 830/3
difference [5] 749/25 756/23 756/25 830/5 830/18
different [30] 719/22 728/8 733/20 746/4 746/16 750/3
 750/14 750/16 750/19 751/13 754/6 755/10 756/8 757/7
 759/1 761/21 765/7 765/8 765/16 765/16 767/2 777/25
 778/2 783/5 787/4 797/8 804/12 811/13 839/21 851/5
differential [1] 752/23
differentiate [1] 814/4
digital [4] 815/7 847/4 848/15 853/8
digitally [1] 857/6
direct [17] 713/2 714/6 729/16 729/18 738/3 739/12 743/11
 760/16 761/6 761/8 795/2 797/18 798/11 806/1 820/16
 822/22 847/25
director [1] 744/14
disadvantage [1] 725/22
disadvantages [2] 726/3 726/5
disappear [1] 783/7
discipline [1] 748/14
discretion [1] 856/4
discuss [1] 728/22
discussed [5] 729/4 729/7 782/1 802/15 843/9
discussing [4] 714/9 811/4 819/6 836/15
discussion [2] 715/10 727/11

discussions [6] 715/1 716/23 721/22 721/25 722/13
 727/12
dishwashing [1] 809/15
Disney [1] 800/15
Disneyland [2] 745/8 745/8
display [1] 842/5
displayed [1] 751/11
dispute [2] 723/20 760/23
disputing [1] 782/23
disruption [3] 758/17 760/16 775/11
disrupts [1] 786/11
distance [1] 798/24
distinction [2] 781/1 785/1
distribution [3] 725/16 772/1 814/9
district [10] 709/1 709/2 709/17 842/24 843/13 843/16
 844/9 844/9 845/2 845/5
districts [2] 844/25 845/1
divested [12] 714/13 714/24 715/17 717/12 719/14 719/25
 720/5 720/13 721/16 728/24 729/2 765/11
divestiture [17] 716/8 717/15 721/12 721/18 729/8 731/8
 731/21 733/2 733/9 734/10 735/9 766/19 766/20 769/19
 771/15 773/8 775/2
divesture [1] 728/22
divide [1] 724/16
division [10] 801/2 806/25 840/10 840/17 842/17 847/15
 851/7 852/4 854/1 854/2
divisions [1] 853/4
do [164]
document [31] 730/21 733/22 738/23 739/3 789/1 789/1
 789/6 790/10 790/12 790/23 799/10 799/11 799/13 799/24
 800/4 800/6 816/17 816/22 816/22 819/16 819/20 822/20
 827/2 835/8 843/10 843/17 843/22 846/9 847/6 853/17
 853/24
documents [3] 739/1 794/17 816/18
does [38] 716/11 721/8 733/13 734/25 745/19 745/25
 746/12 747/8 747/10 752/6 752/18 753/6 755/4 755/6
 755/16 760/16 762/9 763/3 763/13 765/1 765/2 772/3 774/2
 775/7 790/25 814/13 817/4 829/2 832/13 833/10 834/12
 835/1 841/9 845/19 846/23 849/2 851/11 853/11
doesn't [15] 735/1 751/22 751/23 751/23 755/2 763/15
 780/21 783/15 797/25 824/6 824/6 824/7 837/18 849/7
 849/7
doing [11] 727/5 744/5 747/7 779/18 779/21 781/8 814/25
 815/6 822/12 822/14 853/8
dollar [4] 841/8 841/9 841/11 846/11
dollars [3] 740/8 841/12 841/16
don't [78] 714/15 715/18 716/5 717/2 718/25 722/15
 724/10 725/9 726/8 726/8 726/9 727/9 727/9 732/23 736/8
 740/4 742/16 754/24 755/1 755/6 755/7 756/18 757/1 757/4
 758/21 758/24 760/4 760/8 761/3 765/7 765/8 768/11 769/6
 769/9 769/13 769/20 769/21 771/3 771/7 771/16 771/25
 773/21 776/1 776/3 782/15 782/24 783/3 783/9 783/12
 783/14 783/18 789/13 790/13 790/23 791/10 792/3 793/4
 794/12 794/16 797/24 801/7 802/7 804/23 804/25 806/5
 814/25 817/19 819/4 819/11 819/13 819/13 827/5 837/16
 837/17 849/9 850/17 852/2 855/25
done [12] 722/16 769/2 771/11 771/12 772/7 772/11
 782/14 796/1 796/18 799/2 804/15 839/19
door [1] 804/9
doubt [1] 742/11
down [18] 732/13 738/8 742/20 767/21 790/2 797/15 805/6
 817/20 828/8 828/19 832/1 833/3 833/4 834/10 837/4 837/8
 843/5 855/22
dozens [1] 747/23
driving [1] 841/4
dropped [1] 836/11
drove [1] 842/9

D

drug [2] 745/6 787/7
drumbeat [1] 721/6
Drummonds [1] 710/9
duly [2] 743/4 805/19
during [14] 714/19 714/24 721/25 734/14 760/15 760/23
761/22 761/25 764/20 765/1 765/6 780/7 784/22 840/16
DX0912 [1] 733/25
DX2840 [1] 789/2
DX2846 [2] 730/14 730/19
DX2920 [1] 853/18
DX2955 [3] 799/11 800/1 801/12
DX2958 [1] 737/6
DX5 [1] 740/21
DX912 [1] 733/19

E

each [5] 776/23 793/13 808/2 834/1 848/14
earlier [20] 728/16 737/25 750/13 766/19 778/7 782/1
782/8 785/17 794/23 801/18 804/24 824/22 841/22 842/1
842/12 843/10 846/19 847/25 848/17 852/24
early [1] 785/24
earned [3] 770/9 781/9 781/11
east [2] 723/21 840/13
economic [7] 785/2 785/12 786/3 786/5 792/22 793/15
802/19
economics [1] 785/13
economist [1] 792/20
Ed [2] 828/20 828/23
effect [5] 765/5 776/13 784/22 804/22 832/23
effective [3] 722/10 774/23 804/24
effectively [1] 767/14
effects [1] 793/9
efficient [1] 814/9
either [7] 748/24 766/24 799/3 807/12 837/7 838/10 849/4
EI [4] 753/23 851/20 851/21 855/14
elaborate [2] 756/5 815/23
elect [1] 717/17
eliminate [1] 803/1
Elizabeth [1] 710/7
else [4] 732/24 748/18 770/13 780/16
elsewhere [2] 777/24 805/3
email [26] 817/6 819/25 820/13 820/18 820/21 821/1
823/17 823/21 824/1 824/15 824/19 825/12 827/23 828/8
828/9 828/19 831/15 835/14 835/16 836/7 836/15 837/10
843/20 845/2 847/9 847/24
employed [2] 743/13 745/2
employee [6] 749/24 751/9 767/17 767/20 767/22 821/6
employees [50] 718/13 719/5 719/9 720/21 721/3 721/7
721/24 722/12 722/15 723/1 724/15 724/18 725/23 727/24
729/12 731/24 732/3 732/4 732/7 738/15 739/17 739/17
740/4 743/19 746/10 751/10 759/9 759/15 759/16 760/25
761/12 763/12 766/23 768/16 770/17 770/18 770/19 786/15
788/10 797/22 798/1 802/2 802/12 802/13 802/20 832/20
833/21 833/22 833/22 833/24
employer [30] 737/21 738/10 738/14 739/13 739/23 747/4
747/5 755/5 755/14 755/25 756/24 757/9 758/12 760/5
762/7 762/17 762/25 763/21 764/9 766/12 775/8 779/4
785/9 785/13 791/5 791/8 791/25 795/1 805/2 806/12
employer's [5] 780/23 786/21 791/9 791/14 792/5
employers [32] 719/10 745/22 747/21 757/17 757/18
757/19 757/20 762/11 762/21 763/4 766/3 766/10 766/13
772/20 774/1 776/12 778/9 780/2 782/8 786/6 786/18
786/19 786/19 788/18 788/25 790/11 790/25 791/16 792/1
796/7 798/7 799/6
employing [1] 726/17
employment [3] 719/21 749/21 777/20

enacted [1] 778/23
encourage [1] 762/3
encouraged [1] 765/18
end [5] 725/12 725/13 751/3 785/22 849/16
ends [1] 749/11
enforced [1] 746/20
Enforcement [1] 710/23
engages [1] 788/1
engineering [1] 834/8
enjoy [1] 752/11
enough [7] 755/19 770/7 778/6 783/21 785/23 819/15
842/9
ensure [1] 826/4
entire [2] 752/24 754/17
entities [4] 824/3 841/14 841/21 846/13
entitled [1] 857/5
Enu [1] 712/5
environment [2] 726/10 842/3
envy [2] 788/23 790/6
equipment [1] 814/10
equity [6] 732/2 732/16 733/3 733/14 847/10 848/10
equivalent [1] 834/9
Erewhon [1] 841/19
escalation [1] 781/11
especially [2] 752/10 775/16
essentially [2] 825/14 826/12
established [3] 740/20 797/3 804/2
establishing [1] 797/11
estate [1] 720/1
et [8] 709/3 751/1 751/14 755/22 766/25 798/24 805/1
843/12
et cetera [7] 751/1 751/14 755/22 766/25 798/24 805/1
843/12
Europe [1] 718/24
even [14] 727/6 727/14 759/7 769/9 769/11 772/23 773/14
773/14 775/6 776/3 791/25 853/15 854/14 855/10
evening [1] 856/9
event [3] 716/8 717/15 723/9
ever [3] 716/16 776/8 835/1
every [20] 715/8 740/8 749/19 751/10 821/12 821/15
825/14 832/24 833/1 834/6 834/8 835/3 838/10 838/17
841/3 841/11 845/4 846/11 846/16 853/6
everybody [2] 714/14 757/10
everyone [2] 714/18 856/9
everything [4] 732/19 734/25 756/20 767/6
everywhere [1] 773/13
evidence [12] 731/2 733/25 737/15 793/15 794/15 794/16
817/24 820/9 828/4 836/3 847/18 853/17
exact [2] 825/14 852/10
exactly [3] 769/24 823/3 837/17
examination [13] 714/6 728/12 729/18 729/19 742/9
743/11 776/19 803/9 804/10 806/1 839/1 847/25 854/10
example [16] 752/7 754/10 755/9 755/25 761/18 778/8
782/20 800/14 808/24 809/24 810/11 811/10 830/12 832/19
843/3 845/9
exceeding [1] 841/12
excellent [1] 854/16
except [2] 773/2 825/16
exchange [1] 737/21
exclusively [1] 810/15
Excuse [1] 848/6
executing [1] 826/3
executive [2] 734/17 734/18
exercise [10] 765/15 767/24 768/1 768/3 768/12 768/14
768/16 769/3 769/14 769/24
exercised [3] 770/14 770/17 770/24
exercises [1] 767/17

E

exhibit [5] 731/2 733/18 737/15 789/23 800/3
existence [1] 719/20
exit [1] 726/6
expect [8] 735/1 755/23 770/23 773/9 774/3 774/15 775/12 775/21
expectation [1] 841/13
expend [1] 719/5
expensive [1] 811/4
experience [44] 730/5 750/25 751/2 753/3 754/5 756/22 760/24 760/25 761/9 764/17 764/19 765/1 765/9 768/20 770/19 771/13 771/14 771/17 772/12 773/25 774/1 774/10 774/15 775/1 775/12 776/11 785/5 785/6 794/7 794/8 794/10 795/4 811/15 811/20 815/6 815/7 815/14 826/5 846/25 847/4 847/5 848/15 848/15 853/8
experienced [5] 751/2 751/4 770/16 770/20 777/12
experiences [4] 720/3 720/10 720/11 720/15
expire [3] 716/12 716/14 717/10
expires [2] 784/19 784/20
expiring [2] 791/20 800/15
explain [12] 718/7 719/24 751/8 759/22 761/16 763/22 785/4 815/2 844/24 845/17 848/6 848/7
explaining [3] 736/2 741/8 752/12
exposure [2] 726/1 726/2
express [3] 717/22 718/9 718/19
expressed [2] 718/1 718/5
expressing [1] 717/18
extensive [1] 772/11
externship [1] 744/3
extra [1] 761/12
eye [1] 842/17

F

F4L [2] 835/17 835/19
fabulous [1] 767/8
face [1] 726/5
facing [2] 752/16 752/17
fact [16] 716/11 730/11 749/5 770/11 784/1 784/6 787/14 791/12 793/18 796/24 798/4 807/9 814/13 849/15 849/19 855/1
factor [5] 720/21 720/23 756/3 790/13 811/25
factors [2] 755/24 758/11
failed [1] 770/7
fair [12] 720/22 722/6 730/8 732/22 747/23 749/8 778/6 783/21 785/23 792/17 793/13 819/15
Fairbanks [1] 724/12
false [1] 739/1
familiar [17] 719/1 745/14 745/16 745/18 746/4 750/13 750/16 750/19 755/13 758/5 758/7 765/9 796/23 799/7 801/21 809/5 834/18
familiarity [1] 834/25
families [1] 732/21
family [1] 749/22
far [3] 797/15 833/18 840/13
favorable [1] 788/16
FCRR [1] 857/9
fears [1] 761/4
February [4] 730/24 732/10 733/6 741/4
February 19 [1] 730/24
February 19th [1] 741/4
federal [10] 709/3 710/2 710/4 710/10 711/17 742/24 777/19 793/3 805/14 806/4
feedback [2] 815/21 815/23
feel [5] 727/18 728/23 818/7 819/23 825/13
feelings [1] 727/2
feet [5] 807/4 807/4 807/9 807/13 807/17
Feinberg [3] 712/18 743/1 743/3

felt [1] 728/2
feminine [1] 832/19
few [10] 727/25 737/8 745/12 803/7 807/2 812/9 842/13 845/17 849/15 850/10
fewer [1] 790/25
field [1] 746/19
fifth [2] 711/7 734/16
fight [1] 846/17
fighting [1] 719/5
figure [1] 752/14
figured [1] 847/1
figures [1] 755/21
filed [1] 765/22
fill [1] 744/15
final [5] 801/18 838/5 841/18 852/24 853/23
financial [12] 746/17 747/7 749/13 749/15 772/9 779/4 792/22 792/24 794/12 796/1 803/18 803/21
find [6] 731/22 757/25 760/21 763/7 763/17 835/8
finding [1] 763/17
finds [1] 831/18
fine [1] 856/6
finish [1] 742/1
firing [1] 833/22
firm [1] 734/21
first [19] 740/24 743/22 749/20 751/7 752/9 779/14 789/3 799/17 820/14 822/21 823/18 827/14 830/12 831/15 843/18 848/21 849/19 852/7 853/4
Fishkin [1] 712/11
five [6] 738/4 839/25 840/2 840/3 855/8 855/25
five o'clock [1] 855/25
five-and-a-half [2] 840/2 840/3
FI [1] 711/17
flip [1] 825/13
flipped [1] 827/12
float [1] 816/2
floated [1] 769/20
floating [3] 718/17 782/13 782/15
floral [4] 808/5 812/17 813/1 813/8
flow [1] 833/3
flowing [1] 834/10
focus [1] 715/2
focused [1] 732/1
focusing [1] 786/19
folks [4] 716/25 820/22 833/1 833/10
follow [2] 742/12 757/2
following [7] 717/17 718/7 718/20 721/14 730/24 741/5 833/18
food [21] 743/18 744/9 745/6 745/10 745/24 746/1 746/2 753/9 787/7 791/12 799/1 800/15 801/2 801/3 809/3 811/16 835/19 835/21 835/23 845/20 850/15
Food 4 Less [2] 753/9 801/2
foods [10] 746/2 746/3 808/3 808/3 808/3 845/14 846/8 850/25 851/4 851/11
foolish [1] 732/18
foot [1] 807/6
footprint [1] 755/2
force [1] 798/7
forced [2] 760/5 763/9
Forcing [1] 732/22
foregoing [1] 857/3
forever [2] 719/7 758/23
form [3] 782/13 803/22 804/15
formal [1] 793/24
formulate [1] 779/3
forth [1] 747/21
fortunate [1] 840/4
forward [2] 734/10 776/25

F

forwarding [1] 820/18
 found [2] 728/4 768/21
 foundation [1] 804/3
 foundations [1] 739/3
 four [8] 747/22 759/21 781/14 800/14 800/19 811/12 840/6 852/6
 four-and-a-half [2] 840/6 852/6
 four-pack [1] 811/12
 four-years [1] 781/14
 franchised [1] 771/22
 franchisees [1] 715/21
 Francisco [1] 710/14
 frankly [1] 725/14
 Fred [1] 724/11
 Fred Meyer [1] 724/11
 free [3] 818/7 819/24 825/13
 French [1] 808/25
 fresh [31] 732/7 808/9 808/11 808/13 808/16 808/22 808/25 812/21 813/3 813/11 813/18 813/21 813/25 814/8 814/14 814/25 815/6 815/12 826/5 842/2 842/25 845/10 845/20 846/7 847/3 848/14 851/1 853/5 853/7 853/11 856/5
 fresher [4] 814/5 814/7 815/15 838/19
 freshness [2] 814/17 814/22
 friend [4] 778/7 783/24 841/22 854/13
 friendly [8] 813/19 813/21 813/25 815/6 842/2 843/1 847/4 848/15
 front [6] 751/3 760/2 761/20 822/20 822/21 823/1
 Front-end [1] 751/3
 fronts [1] 842/10
 frozen [2] 746/3 808/3
 FTC [2] 713/2 796/21
 full [20] 748/24 748/25 809/5 809/11 812/18 812/18 812/19 812/25 813/7 813/18 813/21 813/25 815/6 826/5 842/1 842/25 847/3 848/14 851/25 853/1
 full-service [7] 809/5 809/11 812/18 812/18 812/19 812/25 813/7
 full-time [1] 748/24
 full-timers [1] 748/25
 fuller [1] 838/19
 functions [1] 746/17
 fund [6] 757/9 757/9 762/16 762/18 762/19 762/24
 funds [2] 746/23 775/18
 further [6] 742/6 742/19 803/5 805/5 854/7 855/21
 future [1] 843/15
 FWD [2] 820/3 827/25

G

gain [3] 749/17 750/3 787/22
 gained [2] 751/25 770/9
 gaps [1] 816/9
 garbage [1] 809/15
 garnering [1] 778/20
 Gate [1] 710/14
 gave [1] 766/14
 gears [1] 792/17
 Gelson's [8] 753/21 754/9 754/17 754/20 755/1 757/15 780/15 841/19
 general [12] 710/13 710/17 711/20 716/23 787/9 806/4 808/3 815/18 815/24 816/11 826/24 838/5
 generally [14] 740/5 757/19 778/2 785/9 786/6 786/8 787/12 801/21 811/3 812/2 812/6 819/5 836/15 838/4
 generate [1] 726/17
 geographic [3] 726/7 754/20 797/6
 geographies [1] 779/19
 get [35] 719/19 722/17 727/9 728/23 749/11 749/21 750/2 750/3 750/6 750/7 751/20 757/3 758/24 759/7 760/23 762/5

762/24 768/2 773/9 773/14 773/14 774/21 783/19 785/11 816/25 824/8 826/11 833/4 834/6 834/24 835/3 839/16 841/11 842/8 854/2
 gets [1] 841/6
 getting [7] 715/16 724/9 724/20 761/23 833/1 834/4 847/11
 giant [1] 773/13
 giants [1] 800/21
 gig [1] 840/7
 gist [1] 795/2
 give [16] 730/15 730/18 758/11 767/5 768/12 769/9 770/4 780/21 809/24 815/21 815/24 816/21 834/9 840/9 843/3 856/7
 given [2] 726/11 804/16
 gives [6] 758/20 759/14 781/1 782/5 787/16 807/13
 giving [1] 742/2
 GL [2] 826/3 828/16
 glad [1] 854/19
 glass [1] 809/10
 GMHBC [1] 828/12
 go [41] 718/8 724/2 727/5 728/20 733/13 738/8 742/8 758/22 759/13 759/16 760/8 760/22 762/17 763/25 764/1 764/10 765/15 765/25 770/8 771/5 774/18 774/22 782/19 784/17 784/19 785/8 785/11 797/10 813/17 814/7 826/17 832/1 832/21 835/7 835/10 837/7 837/19 844/16 852/9 855/1 856/1
 goal [2] 761/8 763/5
 God [1] 783/14
 goes [9] 732/18 752/14 769/4 801/2 821/13 823/17 829/12 832/22 841/20
 going [71] 717/11 719/17 721/7 724/25 725/10 725/12 725/12 725/16 727/9 727/10 727/14 727/16 740/11 742/2 742/17 747/6 749/10 749/14 749/25 757/3 757/4 757/5 757/25 758/1 758/18 758/19 760/21 762/9 762/15 763/6 763/11 763/16 763/25 764/2 764/10 764/11 764/12 765/12 765/13 767/6 767/7 767/8 767/12 768/10 768/13 769/22 771/3 771/4 771/6 773/19 774/24 775/10 779/6 781/8 783/17 792/17 798/13 799/14 800/14 805/7 807/2 816/20 816/23 816/25 817/2 819/23 824/1 834/1 841/10 842/5 844/10
 Golden [1] 710/14
 gone [2] 751/19 770/20
 Gonzalez [4] 851/21 852/17 852/18 852/19
 good [34] 728/14 728/15 733/2 733/9 735/3 739/19 742/23 743/2 745/12 765/19 767/12 768/10 768/13 769/7 776/14 776/23 776/24 801/10 805/13 805/16 806/3 806/6 806/7 810/25 839/3 839/4 839/5 839/7 844/20 845/19 849/6 849/11 853/9 856/9
 goods [2] 732/21 808/22
 Gordon [1] 710/12
 got [15] 729/5 744/1 744/5 750/8 770/3 770/6 806/24 816/18 818/22 821/1 829/19 830/12 833/14 849/5 850/20
 Gotshal [4] 711/4 711/7 711/14 711/17
 governing [1] 777/20
 government [6] 840/16 846/19 848/2 849/9 854/14 854/16
 gradually [1] 749/23
 graduated [1] 750/1
 graph [1] 818/4
 graphs [2] 817/11 818/23
 gravity [1] 785/9
 great [20] 716/25 764/19 790/17 814/14 826/5 831/18 839/22 840/5 845/22 847/4 847/4 847/5 850/8 851/1 851/1 851/2 851/22 851/23 851/24 851/24
 greater [5] 750/3 753/1 767/24 775/9 787/10
 grievance [1] 748/11
 grievances [1] 748/14
 grocer [1] 841/3

G

groceries [3] 725/20 760/17 764/5
grocery [121] 715/2 715/9 715/12 715/14 715/24 716/3 716/22 718/11 726/6 730/2 730/5 731/23 732/1 732/25 734/21 743/21 745/23 746/11 748/5 748/8 749/2 750/15 750/17 750/21 751/17 752/6 752/8 752/20 753/1 753/6 753/12 753/18 754/6 754/7 754/11 755/4 755/14 755/18 755/25 756/10 756/16 756/17 756/24 757/17 757/18 757/19 757/20 759/19 759/24 760/22 761/7 761/8 762/9 762/14 762/18 762/25 763/3 763/21 765/2 765/4 766/3 766/10 766/12 766/13 767/9 768/11 770/16 771/21 771/23 772/13 772/20 772/22 772/23 772/25 773/20 773/22 773/23 774/1 774/2 775/14 775/23 776/7 776/8 777/24 779/23 780/2 780/12 784/10 785/19 788/6 795/17 799/6 799/7 810/6 812/2 812/7 812/21 813/4 815/8 836/1 839/13 839/17 839/19 840/24 841/8 841/9 841/10 841/16 841/18 843/6 846/6 846/8 846/10 846/11 850/7 850/8 850/19 853/1 853/14 853/15 854/5
Grocery Outlet [1] 843/6
gross [5] 834/19 834/20 834/22 835/4 835/5
ground [10] 840/22 842/3 844/17 846/14 846/16 848/19 851/6 852/3 853/12 854/22
grounds [2] 840/17 852/5
group [4] 712/2 732/16 756/13 770/20
grow [1] 739/17
growers [1] 814/8
guarantee [3] 748/21 749/6 749/14
guaranteed [3] 749/1 749/3 749/10
guarantees [5] 748/17 748/19 748/22 748/23 749/4
guess [7] 715/4 719/4 724/14 736/14 736/19 742/16 773/20
guessing [1] 802/8

H

had [62] 714/23 716/15 716/21 716/23 718/21 718/22 719/12 720/3 720/10 720/11 720/17 721/13 721/22 723/18 727/11 727/12 728/2 728/19 730/8 742/15 743/25 745/1 746/7 758/16 759/3 765/9 765/14 765/24 766/16 767/3 767/3 767/12 768/14 768/18 768/20 768/24 769/18 772/8 774/10 776/22 777/9 779/10 780/17 782/19 791/7 791/19 791/21 793/23 793/24 796/21 798/21 802/22 842/14 843/2 850/8 852/15 855/4 855/7 855/8 855/13 855/14 855/17
Haggen [8] 765/11 765/22 766/20 766/21 768/4 768/9 772/16 773/8
half [7] 744/9 754/25 840/1 840/2 840/3 840/6 852/6
halfway [1] 829/15
Hall [1] 710/7
Hamburger [8] 710/4 742/23 778/8 782/1 793/3 794/23 801/24 802/16
Hamburger's [1] 797/21
hand [4] 754/18 848/12 848/21 853/24
handbook [2] 789/9 790/15
handling [1] 814/10
happened [1] 769/10
happening [1] 844/7
happens [2] 718/14 724/23
hard [9] 725/12 728/8 771/24 774/7 774/8 774/21 793/6 793/8 848/25
harmful [2] 776/2 776/5
Harper [1] 710/16
Harris [1] 710/8
Hartley [1] 762/20
has [64] 716/16 717/25 718/4 722/8 727/19 728/8 729/16 731/25 732/16 734/22 735/8 735/17 735/22 737/2 738/17 739/13 739/25 740/7 755/1 756/20 762/1 763/21 764/6 764/22 765/20 770/22 774/24 776/8 776/11 776/13 780/20 784/21 788/15 788/21 790/5 791/4 793/19 796/12 796/13

804/15 808/1 812/17 812/25 813/3 815/19 816/23 818/4 819/3 821/1 829/15 829/16 829/19 829/19 832/18 840/25 844/9 844/16 846/12 851/15 852/1 852/9 853/10 856/1 856/9
have [267]
haven't [7] 776/10 779/10 781/13 794/1 794/4 794/17 796/15
having [8] 720/16 725/14 770/5 797/24 838/5 838/19 840/22 846/17
he [7] 714/10 714/12 804/12 836/1 837/7 845/1 854/14
He's [1] 729/20
head [7] 714/21 716/24 718/25 750/25 822/18 822/18 844/18
head-to-head [1] 822/18
heads [1] 750/24
health [7] 724/14 724/22 746/24 752/24 775/16 808/4 809/18
healthcare [4] 745/9 750/8 762/19 787/7
hear [2] 761/7 784/8
heard [17] 718/22 718/22 718/23 723/16 723/17 723/18 723/18 748/16 761/6 769/12 769/12 796/10 796/22 804/4 804/7 850/17 851/15
HEARING [1] 709/14
Heinz [3] 810/3 810/4 810/7
help [9] 752/14 762/2 762/5 762/6 762/10 803/22 832/10 834/24 844/12
helped [3] 739/17 758/23 804/15
helpful [1] 818/10
helping [1] 826/4
helps [1] 844/19
her [6] 793/14 793/14 799/16 804/15 817/20 822/14
Her Honor [1] 799/16
here [37] 714/21 716/2 733/19 734/8 738/4 740/20 740/25 742/2 760/4 760/8 769/1 778/18 784/17 786/20 793/3 793/3 794/17 806/4 817/1 818/23 819/5 822/1 822/19 823/8 823/11 823/19 827/6 829/6 830/12 831/5 840/14 842/4 844/8 844/24 848/8 848/13 854/4
Hey [1] 842/7
high [4] 725/8 749/7 810/25 831/2
high-quality [1] 810/25
higher [6] 751/5 752/21 754/18 754/19 815/12 826/10
higher-priced [1] 754/18
higher-scaled [1] 751/5
highlighted [1] 819/4
Hills [1] 843/4
Hills/Torrance [1] 843/4
him [1] 798/13
hire [3] 762/4 770/15 770/19
hiring [3] 738/14 833/9 833/21
his [2] 804/10 854/13
Hispanic [8] 824/9 824/11 841/19 845/19 851/22 852/8 852/9 852/19
Hispanics [2] 852/1 852/8
historically [1] 727/21
history [3] 773/8 834/1 849/19
hit [1] 715/8
hold [3] 781/18 781/19 837/7
holidays [3] 748/11 750/2 750/9
Honor [53] 714/5 722/21 728/6 728/10 729/14 729/22 730/15 731/1 731/3 733/24 737/14 737/16 738/25 739/5 740/23 742/5 742/19 743/2 743/9 776/15 776/17 777/1 777/5 789/22 793/14 797/17 798/10 798/12 798/15 799/16 799/25 801/11 801/16 803/8 803/25 804/4 805/13 806/8 817/23 820/8 827/19 828/3 828/5 836/2 836/4 838/22 839/8 839/11 844/2 847/17 847/21 853/16 855/23
HONORABLE [1] 709/16
hope [7] 728/9 761/2 766/16 783/15 811/18 835/8 856/9

H

hopefully [1] 760/9
horrible [2] 765/9 768/20
horror [1] 769/13
Hough [1] 710/8
hour [9] 720/19 724/10 724/17 724/21 724/22 725/22 748/22 748/23 793/2
hourly [4] 725/8 749/6 802/12 802/13
hours [18] 720/19 724/16 748/10 748/16 748/17 748/19 748/21 748/23 749/1 749/2 749/4 749/10 749/14 761/14 762/4 762/5 762/12 834/6
household [2] 809/14 811/16
how [51] 715/13 716/2 717/5 717/9 720/17 726/8 726/9 726/9 727/5 729/5 730/5 743/22 744/22 745/1 746/11 752/6 752/13 752/13 752/18 754/10 754/11 754/20 759/3 759/20 762/9 763/9 766/3 766/9 766/20 770/22 771/24 772/6 772/19 774/3 813/18 813/25 814/16 814/20 814/24 815/5 815/5 832/22 833/25 834/6 839/13 839/16 840/23 848/13 849/17 850/1 850/23
However [1] 717/2
huge [4] 719/4 842/5 849/21 849/21
Humphrey [1] 731/12
hundred [1] 747/25
hundreds [3] 747/25 797/12 852/8
hung [2] 833/1 834/8
Hunts [1] 810/3
hurdle [1] 771/20
hygiene [1] 832/19
hypothetically [1] 833/16

I

I'll [4] 783/1 832/17 833/12 843/3
I'm [43] 714/21 714/25 716/1 724/22 724/24 727/6 727/9 727/10 736/17 740/17 743/16 745/16 745/18 746/16 746/23 747/14 747/15 776/21 778/4 778/4 781/8 783/3 786/19 792/17 798/13 799/7 799/14 800/6 801/7 802/8 804/17 806/3 806/3 806/4 807/2 816/25 822/20 834/7 837/18 839/5 842/5 848/25 854/19
I've [6] 723/16 723/17 723/18 723/25 746/7 799/8
Idaho [1] 850/20
idea [1] 769/7
identified [2] 844/10 846/2
identify [2] 855/15 855/18
identities [1] 721/17
Identity [1] 756/6
IL [1] 710/18
ILLINOIS [2] 710/16 710/16
image [2] 732/5 814/8
imagine [1] 771/24
immediately [1] 744/11
impact [18] 719/8 755/5 757/17 763/4 766/13 770/15 774/3 774/25 775/25 776/1 782/25 783/19 800/20 801/3 803/13 805/4 843/2 853/2
impacted [2] 736/20 766/21
implement [1] 852/7
importance [3] 729/11 730/2 731/24
important [7] 727/22 728/1 749/4 752/3 752/10 756/3 811/24
improve [3] 749/17 749/22 814/8
in-store [5] 815/6 826/5 842/2 847/4 848/15
inappropriate [1] 725/9
INC [2] 709/7 712/2
incentive [1] 774/9
incentivized [1] 719/13
inclined [3] 758/19 763/7 763/17
include [10] 745/19 747/8 765/2 782/8 783/22 815/9 816/4 816/7 833/5 851/11

included [4] 721/12 721/17 802/19 854/4
includes [1] 752/24
including [9] 743/20 746/17 791/13 795/12 795/24 808/2 820/22 829/7 853/11
increase [7] 723/9 739/22 749/6 787/14 787/15 830/25 832/10
increased [1] 722/24
increasing [2] 723/4 816/8
independent [2] 845/19 852/8
independently [1] 757/21
independents [3] 753/24 841/19 851/22
INDEX [1] 713/1
indiscernible [1] 738/16
industrial [1] 834/7
industries [8] 719/11 743/20 744/20 745/5 748/1 777/11 787/5 797/11
industry [18] 732/1 749/2 759/19 762/25 768/24 770/3 772/13 777/24 778/24 778/25 779/24 779/25 780/12 784/10 787/12 788/6 788/24 799/8
inferior [1] 796/7
Infinger [1] 712/7
inflation [1] 776/2
influence [1] 781/21
influenced [1] 723/23
inform [2] 734/12 799/16
information [35] 714/11 714/12 714/14 714/18 715/19 716/20 717/13 719/12 721/11 721/19 722/8 723/13 723/14 723/22 724/1 724/13 726/11 728/4 735/23 736/3 773/7 779/7 779/15 779/20 779/22 779/23 780/1 780/5 780/6 780/25 780/25 780/25 782/3 782/5 804/1
informed [2] 720/4 720/12
initiate [1] 759/4
INJUNCTION [1] 709/14
insights [6] 814/24 815/3 815/5 815/11 846/20 846/24
inspect [2] 808/16 808/19
instead [1] 727/1
insurance [1] 724/15
interacting [1] 752/8
interaction [1] 752/11
interest [5] 734/22 792/9 792/11 792/15 831/3
interested [3] 715/9 715/12 743/22
interfere [1] 786/14
interferes [1] 785/10
international [8] 717/22 717/25 717/25 781/25 782/2 782/3 782/5 796/11
Internet [2] 826/20 853/3
introduce [2] 730/14 794/15
introduced [1] 794/16
invest [14] 718/13 718/13 720/21 721/6 721/7 721/23 722/14 722/25 739/14 739/15 740/1 740/3 740/7 742/12
investing [6] 721/3 721/3 722/12 727/24 739/20 739/20
investment [3] 719/18 724/8 734/21
investors [1] 732/3
involved [2] 722/3 744/2
involves [3] 747/18 748/20 756/23
is [402]
isn't [9] 722/15 724/7 725/11 727/23 732/23 739/10 785/17 804/24 853/3
isolate [1] 763/8
isolated [1] 758/25
issue [2] 791/9 804/13
issued [10] 730/12 730/23 732/9 733/5 733/21 735/5 736/1 736/5 741/4 741/8
issues [2] 738/1 757/11
it [292]
it's [57] 724/24 725/9 730/8 734/21 738/18 739/1 739/2 742/1 742/16 752/1 752/2 752/15 754/13 755/2 758/9 759/9

I

it's... [41] 759/11 761/23 762/16 762/20 762/21 765/8 767/12 767/21 769/6 771/20 771/24 772/18 774/21 776/2 778/15 784/22 787/16 788/14 789/8 790/10 792/8 793/6 794/7 794/7 794/8 802/9 802/10 809/9 812/5 814/25 815/21 820/21 826/10 828/8 828/20 835/5 835/11 836/8 848/19 849/22 853/1

items [17] 752/4 810/25 812/21 813/4 822/17 822/18 822/24 823/3 828/23 829/7 831/5 831/7 832/19 851/10 851/19 852/8 852/9

its [21] 717/21 721/14 730/3 730/24 733/21 734/10 735/9 735/17 737/1 737/2 738/18 740/1 740/8 741/8 741/18 742/12 754/12 771/10 792/9 808/2 814/1

itself [1] 814/4

J

Jacob [2] 710/4 742/23

Jacob Hamburger [1] 710/4

James [1] 712/11

January [19] 714/9 714/20 714/24 716/6 716/20 717/4 717/8 717/14 718/8 719/12 719/23 720/18 721/1 721/14 721/19 723/15 726/12 728/22 741/2

January 2024 [8] 714/9 714/24 716/6 717/8 718/8 721/1 721/14 728/22

January 24 [1] 741/2

January of [1] 714/20

Jennifer [9] 820/18 820/21 822/13 823/8 823/16 823/21 824/19 825/9 825/16

job [22] 744/5 744/7 744/8 744/12 744/13 750/5 750/16 750/18 750/19 751/9 752/1 752/2 752/16 760/1 760/15 765/15 768/22 781/3 796/25 841/11 851/2 851/22

jobs [13] 725/14 745/14 745/16 745/18 750/14 750/19 750/21 750/24 752/2 767/13 770/10 770/10 839/22

Joe's [6] 824/7 841/18 846/7 849/5 849/7 849/13

Joes [1] 845/12

John [8] 710/3 711/1 828/9 828/11 828/12 828/13 828/20 829/6

joined [1] 840/2

jointly [1] 791/15

Jonathan [1] 712/5

Jones [2] 817/6 817/18

Joshua [2] 711/10 712/6

journeyperson [1] 738/15

JUDGE [1] 709/17

July [1] 800/17

July 20th [1] 800/17

June [9] 728/17 733/13 735/12 741/11 799/20 800/15 800/15 800/16 800/16

June 12th [1] 741/11

June 16th [1] 800/16

June 2024 [1] 799/20

June 30th [1] 800/16

June 8th [1] 800/15

jurisdiction [6] 746/9 754/8 754/17 797/1 801/23 802/3

jurisdictions [3] 779/19 795/16 796/4

just [71] 714/8 716/14 720/8 727/1 728/20 729/19 734/16 736/22 737/8 738/3 738/17 739/23 740/20 741/7 741/18 742/16 747/1 747/11 749/13 751/7 752/15 756/1 756/19 759/9 759/22 761/1 761/16 763/3 763/22 765/8 766/16 768/14 770/13 771/16 772/4 773/21 780/25 782/21 783/5 786/23 792/1 793/19 795/5 796/4 797/11 803/7 804/6 804/14 809/24 812/6 812/17 812/24 813/8 815/2 815/23 816/21 818/9 819/12 821/10 822/20 824/1 824/16 825/18 826/11 830/11 832/20 832/21 843/5 843/8 850/3 851/22

Justice [1] 710/22

K

Kaiser [1] 745/9

Katherine [1] 710/9

Kaye [1] 711/11

Kayser [2] 710/19 710/20

keep [3] 776/1 831/18 842/17

keeping [2] 807/20 807/22

ketchup [2] 810/1 810/22

key [1] 748/7

kind [8] 724/8 738/21 758/17 762/22 769/2 775/10 841/3 847/2

kinds [4] 715/4 717/1 718/17 719/11

knew [1] 842/6

knives [1] 751/14

know [67] 714/15 714/17 714/19 715/3 716/25 716/25 717/2 717/2 717/5 717/12 719/20 724/10 726/8 726/8 726/9 728/8 732/20 740/4 749/9 749/9 755/9 758/17 759/7 759/13 759/15 761/25 766/14 766/17 767/8 767/10 768/10 771/8 772/6 772/16 774/10 774/20 775/8 776/3 779/18 779/21 782/24 783/3 783/5 783/14 783/18 789/13 790/13 793/4 793/11 802/7 802/11 802/14 814/25 816/20 817/19 818/16 819/13 819/21 825/22 827/4 831/13 831/23 837/16 849/3 854/13 855/11 855/25

knowing [3] 717/9 717/11 724/1

knowledge [4] 717/24 718/2 718/4 718/6

knows [1] 773/16

KROGER [138] 709/6 711/1 711/20 711/21 717/18 718/12 720/20 721/9 722/4 722/5 722/9 722/14 722/20 722/24 723/8 723/9 723/14 723/24 724/5 724/11 725/10 725/11 725/16 725/25 726/16 726/18 726/22 727/4 727/5 727/17 731/7 731/21 732/3 732/24 734/8 734/9 735/1 735/9 735/20 737/1 737/2 737/3 738/18 739/7 739/25 740/7 740/13 741/15 741/22 742/11 745/19 745/21 747/8 747/12 753/4 753/6 753/8 753/17 754/12 754/14 756/12 756/14 756/15 758/3 758/13 759/2 761/19 763/6 763/8 763/9 766/6 766/11 772/19 772/21 773/5 773/10 773/12 773/15 773/16 774/2 774/4 774/8 774/11 774/20 775/3 775/4 775/7 775/7 775/15 775/19 776/22 780/13 782/19 782/20 788/10 790/25 791/2 791/3 795/1 795/7 795/17 801/3 801/19 801/21 802/2 802/11 802/18 803/14 804/22 805/2 805/18 806/13 806/14 806/16 810/3 810/15 813/21 815/18 815/24 816/11 821/11 822/8 822/11 822/14 823/14 825/6 825/9 825/18 825/19 825/19 826/24 835/22 835/23 838/4 840/2 840/3 850/15 853/25

Kroger's [3] 722/11 723/3 819/9

Kroger-Albertsons [5] 727/4 727/17 731/21 745/19 773/10

Kuester [1] 711/9

L

LA [4] 822/1 823/12 825/1 840/13

label [6] 810/12 810/14 810/18 810/22 810/24 811/3

labor [17] 716/16 723/20 740/15 743/19 743/24 744/4 744/7 745/2 785/2 785/7 785/8 785/10 785/12 786/3 833/9 834/2 834/4

lack [3] 771/12 771/13 804/3

lacked [1] 721/19

Laguna [1] 711/14

laid [1] 770/6

language [2] 748/13 754/1

large [13] 735/2 751/14 752/22 755/19 757/14 767/11 768/15 774/23 788/15 788/17 788/21 790/4 799/23

large-box [1] 735/2

largely [1] 724/6

larger [1] 807/12

Larkins [1] 710/20

LaSalle [1] 710/17

last [18] 735/8 739/13 743/6 749/5 759/20 761/16 773/6

L

last... [11] 781/14 785/18 805/22 830/7 837/3 842/13 842/15 843/3 845/24 852/20 855/11
lasted [1] 720/18
late [1] 781/13
later [2] 719/18 741/7
Laughter [1] 854/18
launch [1] 853/5
Laura [11] 710/7 819/25 820/14 820/14 820/16 820/22 824/20 825/23 827/23 828/9 831/21
Laura Peters [2] 824/20 825/23
law [3] 712/2 778/24 783/15
laws [4] 777/20 778/23 783/12 783/16
lawyer [5] 840/16 846/20 848/2 854/15 854/17
lead [1] 723/4
leaders [1] 719/11
leadership [1] 792/14
leading [4] 722/21 729/15 729/17 760/11
learn [2] 729/1 773/7
learned [2] 723/19 735/23
least [4] 721/4 770/18 822/15 823/8
leave [1] 716/7
Leaving [1] 721/17
led [4] 719/14 722/5 722/9 760/13
Lee [1] 746/2
left [6] 770/13 770/18 791/16 848/12 848/21 853/24
left-hand [3] 848/12 848/21 853/24
legal [2] 727/6 791/22
length [1] 783/23
Leo [1] 828/20
less [16] 720/6 753/9 758/19 766/14 772/16 772/18 776/12 798/22 800/15 801/2 804/24 811/4 835/19 835/21 835/23 850/15
lessened [1] 805/4
let [6] 722/17 778/6 788/19 816/20 819/21 827/4
let's [15] 725/23 747/23 779/13 789/1 790/10 793/12 830/11 832/17 833/13 833/16 835/16 842/7 843/17 848/21 849/12
level [2] 776/4 794/12
leverage [33] 720/6 726/17 726/23 726/25 727/4 758/6 758/10 758/12 758/14 758/20 759/14 766/15 766/16 773/5 773/24 774/14 775/2 778/14 778/15 778/15 778/16 778/17 780/21 781/1 781/4 781/10 784/2 784/4 784/5 787/11 787/14 787/22 794/4
leveraging [1] 780/9
lexicon [1] 778/17
liability [2] 725/1 725/24
life [1] 752/5
like [49] 716/14 721/2 727/15 730/14 731/1 732/12 733/18 733/24 734/16 734/19 735/2 737/6 737/14 740/19 746/2 752/5 752/11 752/13 752/16 753/24 755/24 758/12 758/25 765/7 767/13 768/20 769/14 770/10 770/10 770/11 778/23 786/6 794/22 797/22 805/17 809/15 810/6 812/17 812/24 813/8 816/17 816/19 819/24 827/2 840/10 841/5 846/25 850/3 851/18
liked [1] 731/23
likelihood [2] 723/7 736/20
likely [1] 727/23
Lily [1] 710/8
limitation [1] 798/22
limited [3] 729/18 849/22 851/18
line [4] 760/20 764/3 764/4 849/2
Lisa [1] 844/18
list [10] 721/15 771/15 784/16 841/17 841/19 849/12 850/11 852/11 852/17 853/23
listed [2] 845/9 846/8
listened [1] 769/17

little [19] 728/18 728/20 746/14 751/3 754/19 761/16 764/16 766/1 771/1 771/2 771/10 793/2 811/22 815/23 825/22 831/23 832/17 833/13 841/22
live [4] 797/22 798/1 812/3 812/7
lives [2] 730/6 773/22
living [3] 738/14 749/7 749/9
LLC [1] 712/2
LLP [8] 710/20 711/2 711/4 711/7 711/11 711/14 711/17 712/12
lobby [1] 781/20
local [110] 716/7 716/16 716/21 717/5 717/9 717/17 717/21 718/4 718/5 718/8 720/4 720/6 720/12 721/8 721/13 721/20 723/5 723/8 726/13 726/15 727/3 727/17 727/18 730/11 730/23 731/14 733/20 734/13 735/8 735/13 735/17 735/19 735/22 735/23 736/3 736/12 736/23 737/1 737/8 737/21 738/17 740/12 741/2 741/4 741/7 741/16 741/18 741/21 742/14 743/14 743/15 743/17 743/18 744/11 744/17 744/18 744/18 744/19 744/19 744/20 744/22 744/23 744/25 745/4 746/9 746/10 746/12 746/15 746/17 747/1 747/14 747/15 747/18 747/19 754/8 758/11 760/16 768/1 769/3 770/22 774/3 778/23 781/22 782/14 782/22 784/2 785/5 785/18 787/3 787/22 788/1 788/12 788/15 788/21 790/5 790/24 791/4 791/13 791/17 796/6 796/25 797/8 798/19 799/4 799/19 800/22 801/23 802/3 802/18 850/17
Local 324 [2] 787/22 800/22
Local 555 [2] 717/9 718/5
Local 555's [1] 721/20
locals [8] 716/24 745/1 772/10 774/11 779/14 780/3 782/3 788/4
located [4] 754/21 754/22 754/23 850/19
location [2] 767/3 838/10
locations [2] 723/8 760/18
long [17] 714/23 714/25 715/7 715/10 715/13 719/16 719/18 720/17 732/1 739/16 744/22 745/1 759/20 800/2 825/12 839/13 856/1
long-term [6] 714/23 714/25 715/7 719/16 719/18 732/1
long-time [1] 739/16
longer [4] 732/14 746/9 750/5 750/10
look [29] 724/20 725/19 727/15 731/11 731/18 732/12 733/18 734/20 755/10 776/25 780/18 789/1 789/2 790/10 817/20 818/7 818/7 819/20 819/24 820/13 826/18 836/7 836/18 843/17 845/7 847/6 849/12 853/7 853/7
looked [5] 769/2 780/5 794/17 799/5 843/10
looking [12] 744/15 752/23 762/2 762/4 768/17 799/13 844/24 846/17 846/25 847/3 848/8 853/23
looks [1] 840/10
Los [4] 743/20 744/10 744/18 754/25
Los Angeles [3] 744/10 744/18 754/25
lose [10] 719/7 758/20 758/23 764/10 764/11 786/9 786/10 822/8 823/14 825/6
loses [1] 825/19
losing [2] 823/9 825/9
loss [4] 719/11 755/11 766/12 776/11
lost [1] 770/23
lot [18] 715/17 745/12 745/22 751/25 768/21 768/21 768/24 769/18 783/16 794/8 839/21 839/22 841/10 842/23 842/23 846/23 851/5 851/9
Loving [1] 840/8
low [1] 725/8
lower [12] 767/23 826/10 832/2 832/4 832/5 832/14 832/18 832/25 833/8 833/20 834/11 838/19
lowered [1] 837/2
lowering [3] 816/5 832/7 832/10
LP [2] 831/18 831/21
Luis [1] 840/11
Luke [1] 711/13
Luna [1] 711/6

L**lunch [1]** 714/8**M****MA [1]** 711/18**ma'am [3]** 788/7 789/6 803/2**made [13]** 714/10 717/21 718/15 723/10 723/15 727/24 728/7 731/15 738/20 739/13 739/25 740/7 853/20**magazine [3]** 799/19 799/20 800/7**mailer [6]** 821/12 821/17 821/21 824/4 843/1 844/12**mailers [4]** 843/8 843/9 843/11 844/19**main [1]** 784/3**Maine [1]** 712/10**Mainigi [1]** 712/5**mainly [1]** 714/14**maintain [8]** 762/7 762/8 762/10 765/12 765/13 767/7 767/7 776/3**maintaining [3]** 734/22 788/22 790/6**major [17]** 746/23 755/14 755/18 755/25 756/23 757/18 757/20 766/3 766/9 766/12 771/20 772/19 772/22 772/23 772/25 773/3 780/12**major grocery [1]** 772/23**majority [1]** 838/14**majors [9]** 756/3 756/11 756/25 757/3 757/6 757/10 757/22 757/23 758/3**make [34]** 717/18 719/10 719/13 719/17 719/18 720/8 726/20 726/23 726/25 736/22 739/19 740/6 746/20 746/21 747/4 748/12 748/15 749/11 749/25 755/8 755/25 761/9 768/18 769/14 775/5 795/5 813/24 814/1 815/19 816/10 817/4 826/23 832/5 842/25**makes [3]** 719/9 736/9 764/13**making [8]** 734/19 752/4 759/16 776/5 776/23 785/13 790/18 808/20**Management [1]** 734/9**manager [1]** 844/9**managers [1]** 751/3**managing [2]** 746/24 834/20**Manges [4]** 711/4 711/7 711/14 711/17**manner [1]** 727/18**mantra [1]** 813/22**manufacturing [2]** 745/10 787/7**many [19]** 715/14 716/3 717/5 717/9 718/12 746/11 748/12 755/20 766/3 766/9 767/2 767/2 771/14 772/19 776/14 777/23 799/9 833/25 834/6**map [1]** 773/4**March [2]** 733/21 741/7**March 2024 [1]** 733/21**March of [1]** 741/7**margin [7]** 834/18 834/19 834/20 834/22 834/25 835/4 835/5**Margo [3]** 712/18 743/1 743/3**Margo Feinberg [1]** 743/3**Mark [4]** 711/13 723/19 776/21 839/5**Mark Perry [1]** 776/21**marked [1]** 843/18**market [13]** 754/18 756/2 756/6 772/25 775/9 786/10 786/11 787/16 788/18 790/21 818/18 820/4 840/24**markets [4]** 840/25 849/18 852/1 852/12**Martell [1]** 839/25**Mary [3]** 843/21 844/9 845/3**Massachusetts [1]** 711/11**massive [1]** 726/2**master [1]** 791/12**match [1]** 732/5**matchups [1]** 822/18**material [1]** 781/16**Matheson [1]** 710/3**matter [3]** 787/9 798/1 849/7**matters [2]** 794/19 851/12**Matthew [1]** 711/9**maximum [1]** 787/22**may [33]** 714/4 730/15 737/6 742/20 742/22 743/9 751/20 759/13 761/3 762/22 773/23 776/17 777/1 777/5 781/20 784/16 786/14 799/25 804/4 804/5 805/11 806/8 816/14 816/16 816/16 817/7 820/23 823/17 823/21 832/10 835/9 839/8 855/22**May 2nd [2]** 820/23 823/17**May 3rd [1]** 817/7**maybe [8]** 723/16 752/14 761/13 802/7 802/7 802/17 802/17 827/11**McGowan [6]** 714/10 714/19 714/22 716/19 719/23 723/19**me [25]** 715/5 720/8 724/2 727/8 744/7 744/10 744/16 746/14 751/8 761/17 763/23 766/20 778/6 788/19 790/10 790/12 792/6 794/21 797/6 816/20 819/21 827/4 833/18 848/6 854/14**mean [23]** 716/12 718/16 720/15 726/8 726/23 727/6 727/8 727/20 727/25 734/25 736/14 736/15 738/20 744/13 745/25 754/2 755/16 756/6 758/3 763/18 782/24 782/24 841/9**Meaning [1]** 822/11**means [5]** 732/19 769/24 777/18 778/16 794/2**measuring [1]** 848/11**meat [38]** 745/25 746/1 746/4 746/6 746/7 750/23 751/7 751/8 751/9 751/10 751/14 751/15 751/17 751/19 751/20 751/21 751/22 752/6 752/7 752/8 752/15 752/16 752/18 752/19 752/20 752/21 801/25 802/3 808/4 808/9 809/12 812/18 812/25 813/7 822/18 845/21 851/2 851/23**media [5]** 781/9 781/11 781/12 781/13 781/15**medical [7]** 724/14 748/9 749/20 749/21 752/22 762/22 776/4**meet [6]** 746/21 749/11 770/25 781/20 806/6 806/7**meeting [19]** 714/9 714/11 714/20 714/24 716/6 717/17 718/8 718/10 718/20 721/14 728/18 728/20 729/4 729/11 730/24 731/20 741/5 770/21 770/25**meetings [1]** 769/18**meets [3]** 731/7 734/9 816/2**member [2]** 748/24 789/9**members [91]** 719/21 723/5 723/9 726/13 732/24 733/21 734/4 734/11 734/13 735/6 736/2 736/6 738/11 741/8 742/13 745/15 745/17 746/21 746/22 747/6 749/4 749/8 749/10 749/21 750/3 750/20 752/10 758/9 759/4 761/13 761/20 762/3 762/12 762/24 764/8 764/24 765/14 765/23 765/24 766/22 767/3 767/5 767/11 768/21 769/6 769/9 769/11 769/11 769/13 769/20 770/8 771/9 773/15 774/7 776/1 776/2 776/12 776/13 777/16 780/22 784/15 785/8 785/11 787/3 787/9 787/12 787/23 788/15 788/17 788/21 788/24 789/19 790/5 790/14 790/16 791/3 791/19 792/11 792/15 793/10 795/13 795/21 800/20 800/22 802/4 802/4 802/5 802/6 802/6 802/21 802/22**members' [1]** 778/8**membership [3]** 787/15 788/12 792/9**memory [1]** 769/10**mention [5]** 736/6 736/8 738/23 790/18 790/21**mentioned [37]** 714/9 720/20 720/23 726/3 726/5 729/7 737/24 745/24 746/25 750/13 751/7 754/9 754/9 756/4 759/22 763/21 766/19 772/3 772/14 777/9 778/7 782/8 784/6 810/9 810/21 824/12 832/1 842/1 842/12 843/8 843/13 845/17 846/19 847/25 850/4 850/10 852/24**merchandise [1]** 808/4**merchandiser [2]** 825/25 836/1**merchandisers [2]** 826/2 826/6**merchandising [3]** 820/15 826/1 826/4**merchant [1]** 828/12**merge [1]** 772/19**merged [1]** 765/10

M

merger [67] 717/10 717/19 717/22 718/1 718/5 718/9 718/20 720/22 721/8 721/14 721/20 722/16 722/20 722/25 723/24 726/13 726/16 726/21 727/4 727/11 727/18 730/12 731/7 731/22 732/19 733/1 733/8 733/13 734/9 734/13 734/19 734/24 734/25 735/9 735/14 735/17 736/13 736/23 740/2 740/9 741/9 741/12 741/18 765/6 765/10 766/2 766/5 769/18 776/8 782/22 783/8 783/11 783/13 783/17 784/1 784/2 784/12 784/24 786/25 790/24 792/25 793/9 793/16 794/5 802/20 803/14 804/21

mergers [8] 764/17 764/20 764/22 765/1 765/2 765/4 765/4 774/2

merit [1] 846/23

merit-based [1] 846/23

Mesa [2] 852/21 852/21

message [3] 760/12 799/15 800/9

met [9] 716/19 717/4 717/8 728/21 730/11 741/2 772/8 806/5 839/5

metrics [1] 715/8

Mexican [2] 797/15 840/12

Meyer [1] 724/11

Michael [1] 712/7

mics [1] 728/8

middle [1] 770/4

might [24] 717/10 717/10 718/18 719/13 720/4 720/12 722/25 726/1 774/3 778/20 778/24 779/2 779/3 780/8 780/9 780/18 780/20 780/22 781/9 794/5 804/20 841/5 851/4 851/16

mile [1] 798/21

mileage [3] 798/6 798/9 799/3

miles [6] 773/18 797/13 798/23 798/23 799/1 844/11

milk [4] 836/11 836/16 836/22 836/25

million [3] 725/3 725/3 725/23

mind [3] 718/21 719/19 848/11

mine [1] 827/10

minimal [1] 774/10

minimis [1] 774/19

minimized [1] 774/19

minimum [2] 748/23 778/24

minor [6] 756/16 756/17 756/24 757/16 757/19 780/13

minors [4] 757/1 757/24 757/24 784/11

minute [1] 796/2

minutes [3] 845/17 850/10 855/24

miss [1] 808/7

missing [1] 799/23

misspoke [1] 853/16

misstates [2] 739/1 739/3

model [6] 768/11 816/3 834/2 834/4 837/17 851/11

models [1] 832/16

moment [2] 725/5 745/24

Monday [1] 835/3

money [11] 719/10 719/13 719/17 719/18 722/14 722/19 722/25 724/13 786/9 786/10 786/11

month [2] 741/7 837/3

months [8] 735/8 749/22 759/21 765/22 767/13 767/14 793/19 842/4

more [53] 717/13 720/8 721/11 722/25 723/16 723/18 728/1 728/20 734/23 739/23 750/10 750/22 750/23 750/24 751/2 751/3 752/2 754/18 754/18 761/16 762/2 763/7 763/11 763/17 764/16 766/20 770/12 771/1 771/22 771/24 772/16 774/9 776/15 777/9 779/11 787/9 787/12 787/16 789/8 790/25 791/3 804/19 807/14 809/22 809/25 832/7 832/17 834/1 835/8 838/6 838/16 847/6 853/15

Moriarty [1] 712/8

morning [3] 722/10 784/6 856/8

Morrison [2] 710/20 712/3

most [11] 746/19 747/20 750/7 752/9 799/9 807/6 810/7

838/13 840/25 849/23 851/19

mostly [1] 784/3

move [18] 731/1 733/24 755/21 755/21 767/1 767/19 789/22 801/11 817/23 820/8 828/3 828/23 829/7 830/20 835/7 836/2 844/2 847/17

moved [4] 744/11 744/23 746/8 853/17

movement [1] 745/2

moving [1] 816/22

Mr [32] 710/3 710/3 710/4 710/8 710/9 710/16 710/19 710/22 711/1 711/4 711/9 711/10 711/10 711/13 711/13 711/14 712/2 712/5 712/6 712/7 712/7 712/8 712/9 712/11 714/22 716/19 719/23 739/25 794/23 797/21 801/24 849/14

Mr. [51] 714/8 714/10 714/19 716/19 721/8 726/15 728/5 728/14 730/21 733/22 734/16 735/16 737/7 738/9 738/17 740/24 742/1 742/11 778/8 782/1 793/3 802/16 803/12 803/17 804/9 804/16 804/19 805/17 806/3 806/12 828/8 839/3 839/13 840/9 840/14 840/23 841/25 843/8 843/9 843/17 844/7 844/21 846/7 846/15 847/6 848/21 853/23 854/12 854/14 854/16 854/21

Mr. Bryson [2] 843/9 854/16

Mr. Clay [15] 714/8 721/8 726/15 728/5 728/14 730/21 733/22 734/16 735/16 737/7 738/9 738/17 740/24 742/1 742/11

Mr. Hamburger [4] 778/8 782/1 793/3 802/16

Mr. McGowan [2] 714/10 714/19

Mr. Mr [1] 716/19

Mr. Perry [7] 803/12 803/17 804/9 804/16 804/19 854/14 854/21

Mr. Schwilke [19] 806/3 806/12 828/8 839/3 839/13 840/9 840/14 840/23 841/25 843/8 843/17 844/7 844/21 846/7 846/15 847/6 848/21 853/23 854/12

Mr. Thomas [1] 805/17

Ms [17] 710/2 710/7 710/7 710/8 710/9 710/12 711/6 711/9 711/20 712/5 712/6 712/8 742/25 748/3 783/21 790/2 801/13

Ms. [24] 742/25 743/1 743/13 753/2 758/5 764/16 776/21 777/9 781/9 782/22 784/17 785/1 787/3 788/14 790/24 792/6 792/17 793/7 794/19 795/6 799/10 801/18 802/3 803/11

Ms. Andrea [1] 742/25

Ms. Margo [1] 743/1

Ms. Zinder [22] 743/13 753/2 758/5 764/16 776/21 777/9 781/9 782/22 784/17 785/1 787/3 788/14 790/24 792/6 792/17 793/7 794/19 795/6 799/10 801/18 802/3 803/11

much [14] 728/11 732/7 742/18 752/21 753/1 754/25 757/2 763/5 770/3 774/13 775/9 796/20 800/4 804/24

muffins [1] 808/25

multi [7] 757/9 788/1 791/5 791/7 791/8 791/25 811/13

multi-employer [4] 757/9 791/5 791/8 791/25

multi-packs [1] 811/13

multi-union [1] 788/1

multiemployer [1] 762/16

multiple [3] 721/2 722/13 790/11

Musser [1] 710/2

must [1] 748/24

my [38] 714/21 715/4 716/24 718/6 718/25 719/19 719/21 724/25 725/9 725/10 725/14 728/1 729/15 740/3 742/1 745/22 747/3 759/6 764/23 776/11 776/21 777/2 778/7 783/24 795/4 797/18 798/11 804/14 814/23 816/13 824/9 827/9 839/8 839/21 841/21 842/7 853/6 854/13

N

N.W [2] 710/10 711/11

name [7] 718/22 718/22 718/23 743/5 776/21 805/21 854/13

nation [1] 779/24

national [10] 744/4 744/7 755/4 755/19 756/1 756/18

N

national... [4] 800/20 810/4 810/6 811/4
natural [2] 808/3 851/12
nature [1] 724/4
NE [1] 710/23
near [2] 762/23 850/4
nearly [1] 715/16
necessarily [5] 721/21 740/4 751/4 780/21 784/10
necessary [5] 732/21 750/25 751/19 765/20 790/13
need [17] 716/12 734/20 749/9 749/9 749/12 751/1 759/8
759/8 759/10 760/4 760/18 761/12 762/7 773/22 783/3
799/16 849/9
needed [1] 732/7
negative [2] 765/5 852/23
Negatively [1] 774/5
negotiate [26] 745/17 746/22 748/13 748/13 750/18 757/6
757/7 757/16 757/18 757/20 757/21 758/12 763/18 775/6
775/14 775/18 775/22 776/13 791/15 791/20 792/2 796/6
798/8 798/19 798/22 799/8
negotiated [12] 716/16 716/21 746/8 759/2 777/23 780/10
780/13 780/16 780/21 798/4 798/5 799/8
negotiates [1] 775/8
negotiating [9] 720/6 737/25 747/20 754/5 782/7 787/10
787/11 788/16 799/3
negotiation [4] 774/6 777/14 781/5 791/18
negotiations [44] 721/21 721/22 721/25 722/1 722/2 722/5
722/9 723/4 723/25 726/18 726/22 727/5 727/19 727/21
727/21 728/2 735/19 737/1 741/15 747/2 747/6 747/8
747/12 747/24 749/5 753/3 754/10 755/5 755/17 757/11
757/23 758/6 763/4 766/13 773/4 773/25 774/4 777/10
780/7 780/19 781/24 800/19 801/4 801/4
negotiator [5] 746/18 746/25 775/15 777/12 781/3
neighborhood [1] 767/10
neither [3] 735/3 754/22 837/2
NELSON [1] 709/16
net [1] 842/14
never [4] 716/12 732/4 767/14 796/22
new [27] 711/8 725/17 727/22 729/8 735/23 736/3 738/15
765/15 766/23 766/24 767/5 768/23 769/7 770/19 789/9
830/7 832/21 832/24 833/2 833/14 833/16 833/21 834/5
842/14 843/4 843/12 845/23
Newport [1] 852/22
newsletter [4] 733/19 733/20 735/5 741/8
newsletters [1] 734/4
next [17] 715/8 738/8 742/22 780/18 789/15 801/4 805/12
827/25 828/24 829/12 829/19 829/19 829/24 830/3 837/7
850/11 852/17
Ngan [1] 711/6
nice [1] 728/14
Nicole [1] 710/12
Ninth [1] 711/2
no [76] 709/4 715/18 715/22 716/14 716/18 717/7 717/11
717/12 717/23 718/3 718/6 720/2 720/15 724/6 726/19
727/12 727/20 731/3 732/14 734/1 734/22 736/6 737/16
738/23 739/8 739/10 742/5 746/9 754/22 762/20 768/3
768/20 769/21 770/8 772/23 773/12 774/9 774/9 774/22
775/4 775/19 776/10 776/15 783/9 784/21 789/24 792/21
793/12 794/7 796/1 801/14 803/3 803/5 804/23 805/5 808/8
817/25 818/17 820/10 823/18 823/25 828/5 831/14 834/14
834/17 836/4 840/15 843/11 844/4 847/19 849/4 849/4
849/6 853/19 854/7 855/21
no-strike [1] 784/21
nobody [1] 760/10
non [5] 780/2 799/6 812/21 813/3 813/11
non-fresh [3] 812/21 813/3 813/11
non-grocery [2] 780/2 799/6
nonunion [3] 724/6 724/8 762/17

Nord [1] 710/22
north [1] 754/25
Northgate [2] 852/19 852/20
Northwest [5] 715/24 732/20 737/4 738/11 738/19
not [131] 714/10 714/21 714/25 715/6 715/7 715/15 716/1
716/15 717/11 718/6 719/7 719/13 721/10 721/21 723/15
724/5 725/13 726/12 726/14 726/19 727/6 727/13 727/21
729/17 731/22 733/13 733/15 734/21 734/25 736/13 736/14
736/14 736/14 736/19 736/23 738/16 739/23 742/12 749/13
751/18 752/17 754/16 758/1 759/9 759/25 760/2 761/23
762/21 762/23 762/24 762/25 764/8 767/18 768/3 768/15
768/16 769/23 770/6 770/16 770/20 772/1 772/23 773/3
773/4 773/17 775/4 775/7 775/7 776/14 776/22 778/4
782/23 783/10 783/17 784/10 791/5 791/8 791/8 791/10
791/19 791/25 792/6 792/20 793/5 793/7 793/14 793/17
793/19 793/23 793/24 794/10 795/1 796/16 796/18 796/19
796/23 796/24 798/12 798/25 800/3 800/20 802/14 803/3
804/25 816/2 816/3 816/16 816/24 822/12 822/14 822/19
822/20 823/3 824/3 824/12 827/7 827/8 827/10 833/10
833/20 833/24 834/7 834/21 846/13 851/4 851/9 851/16
852/11 853/11 855/10 857/7
noted [2] 855/13 855/17
Nothing [1] 742/19
notification [1] 748/19
November [2] 843/21 847/11
November 14 [1] 843/21
November 4th [1] 847/11
now [68] 716/11 721/11 721/18 722/3 723/14 726/11 728/4
728/18 732/9 732/12 733/5 734/4 734/7 735/5 735/8 737/1
739/2 739/12 739/18 739/20 739/21 739/25 740/11 740/12
740/12 741/15 744/22 746/6 758/16 760/4 760/23 761/1
763/2 771/21 781/9 783/22 785/17 787/3 787/18 788/1
788/25 790/12 790/24 791/4 792/17 794/22 802/8 807/3
807/19 809/21 811/7 812/17 813/14 813/17 814/4 818/13
819/3 822/1 824/8 825/22 827/16 831/23 836/19 841/5
842/12 846/7 846/12 846/19
number [35] 714/16 714/17 715/15 715/16 715/16 715/18
715/20 715/21 724/16 730/18 748/23 749/10 749/24 750/9
753/22 777/24 778/2 787/4 788/15 788/17 788/17 788/21
788/24 790/4 798/8 798/17 801/19 802/9 802/10 817/7
820/22 829/15 832/18 833/21 834/24
numbers [4] 757/13 793/8 819/5 846/18
numerous [1] 811/13
NW [2] 711/15 712/12
NY [1] 711/8

O

o'clock [1] 855/25
oath [1] 735/13
Obaro [1] 711/4
Obipso [1] 840/11
object [2] 729/14 739/2
objection [19] 722/21 731/3 734/1 737/16 738/25 789/24
797/17 798/10 801/14 803/25 804/3 804/17 817/25 820/10
828/5 836/4 844/4 847/19 853/19
obligations [1] 749/16
obscured [1] 841/6
observations [1] 842/21
obvious [1] 727/8
obviously [2] 752/1 785/21
occasion [1] 781/23
occasionally [2] 781/19 849/4
occur [1] 833/20
occurred [1] 716/9
occurring [1] 766/3
occurs [1] 833/8
odd [1] 833/12

O

off [8] 714/21 716/24 718/24 732/3 760/1 764/12 770/6 835/9
offer [13] 785/13 785/14 785/14 807/19 809/3 809/11 810/25 811/7 811/10 811/19 813/8 814/13 815/14
offered [3] 744/7 744/10 744/16
offering [2] 850/9 851/1
offerings [4] 851/23 851/24 851/24 851/24
offers [9] 763/1 808/9 808/22 809/1 809/14 809/18 810/6 810/21 810/24
office [7] 710/13 710/16 815/18 815/25 816/11 826/24 838/5
Official [1] 857/9
officials [3] 781/20 781/22 781/23
offset [1] 755/11
often [2] 759/3 784/2
OH [1] 711/22
okay [42] 722/4 736/16 736/22 740/6 743/17 744/6 748/5 748/6 753/2 753/4 754/20 757/16 763/2 764/18 766/1 773/25 793/13 794/20 801/10 804/19 811/22 812/9 812/17 815/17 817/6 818/11 819/15 820/13 824/11 825/12 825/22 827/8 827/11 828/8 828/19 829/6 831/15 831/23 835/7 836/7 838/23 849/9
omitted [1] 800/1
once [4] 784/19 784/20 790/24 816/25
one [61] 720/8 722/19 728/9 732/13 733/12 737/5 737/5 737/20 737/25 737/25 746/6 747/16 752/1 753/24 756/21 758/14 758/17 761/4 766/16 767/22 770/7 771/17 771/17 771/18 772/21 776/5 776/21 778/6 780/8 780/10 782/13 782/19 786/9 787/14 787/16 789/15 789/15 796/6 804/19 805/2 807/12 809/22 809/25 811/20 826/17 827/14 835/8 835/11 840/25 841/11 843/18 845/1 847/6 847/7 847/24 848/22 849/18 849/20 852/5 852/17 853/4
one-stop [1] 811/20
ones [1] 724/2
ongoing [1] 731/25
online [3] 732/25 735/2 799/19
only [28] 731/22 734/22 752/4 754/15 754/23 755/11 756/19 762/21 764/3 764/8 771/5 771/21 774/12 775/15 776/5 792/8 792/12 794/19 795/1 795/17 796/6 799/14 800/1 800/6 800/20 805/2 816/25 844/10
oOo [1] 857/1
open [2] 714/3 852/15
opened [5] 804/9 842/13 845/23 850/4 852/20
opening [7] 794/18 840/14 840/16 844/12 845/3 845/23 846/1
openings [6] 842/14 842/22 843/12 843/15 846/17 849/15
operate [19] 753/6 753/11 753/15 753/24 754/7 754/15 755/1 755/3 755/20 756/19 765/20 767/8 768/10 771/17 771/19 771/21 771/23 772/24 773/13
operated [6] 715/14 715/20 715/21 766/10 767/14 806/16
operates [8] 715/23 716/3 753/8 753/13 753/19 806/21 812/10 812/13
operating [3] 753/18 766/7 773/17
operating in [1] 773/17
operation [3] 715/18 844/13 845/21
operations [3] 723/22 771/11 786/12
operator [2] 756/16 852/19
operators [2] 756/10 756/17
opinion [6] 804/16 807/16 814/14 822/13 822/14 825/9
opportunities [2] 764/25 816/1
opportunity [8] 731/25 755/20 766/14 768/13 805/3 807/13 816/4 816/7
opposed [3] 752/16 767/23 829/4
opposite [1] 846/18
opposition [7] 721/20 726/15 726/21 727/4 727/17 736/12 736/23

optimal [1] 807/16
option [3] 732/23 791/9 792/3
options [6] 734/24 735/3 764/24 813/1 814/14 856/7
optometrists [1] 745/9
Orange [1] 743/19
order [5] 755/22 762/2 773/24 827/13 827/15
ordering [1] 751/1
ordinary [8] 789/18 796/24 801/12 835/1 843/24 846/9 847/12 853/25
OREGON [4] 709/2 709/8 710/19 710/22
organic [2] 851/5 851/12
organizing [3] 744/1 744/2 746/18
original [1] 857/5
other [49] 714/18 714/22 716/21 716/24 718/18 718/21 719/23 720/5 720/13 720/15 721/18 726/3 732/4 737/3 738/10 738/11 738/13 738/19 739/7 739/8 753/17 754/17 755/24 755/24 756/1 758/22 761/11 762/25 774/11 779/10 779/14 779/18 779/24 782/7 793/11 793/13 795/15 799/4 801/5 823/6 823/18 823/25 824/3 824/5 824/11 841/24 845/4 848/14 854/2
other's [1] 776/23
others [5] 716/19 750/22 767/24 817/7 847/10
otherwise [1] 718/15
our [94] 722/2 727/2 728/3 728/4 732/24 734/24 736/20 737/5 737/5 738/9 739/14 745/17 745/21 746/19 748/25 749/8 749/9 749/21 750/3 750/20 752/10 753/15 758/9 760/5 760/9 760/20 761/8 761/13 761/20 762/3 762/23 765/13 765/23 766/22 767/3 767/5 767/11 769/6 769/8 769/8 769/11 769/20 770/8 771/6 771/8 772/8 773/15 774/7 774/12 776/1 776/2 776/13 776/25 780/22 781/11 784/14 785/7 785/10 785/11 791/10 791/19 792/25 796/11 798/6 798/21 798/25 798/25 800/20 801/3 802/4 802/4 802/6 802/6 802/22 805/7 810/17 810/18 814/24 815/4 824/5 826/4 838/1 838/13 841/11 841/12 842/20 842/25 844/11 844/18 845/24 846/23 851/11 852/21 856/3
ours [2] 796/7 796/11
out [47] 724/17 726/24 727/2 727/10 728/2 734/4 738/7 740/5 744/8 746/8 752/14 755/2 756/21 757/3 757/25 759/13 759/25 760/2 760/5 761/10 763/25 765/23 765/25 767/15 768/25 773/10 777/2 785/8 800/12 821/11 821/12 821/15 821/17 821/19 821/21 821/24 822/17 824/4 824/12 827/13 827/15 832/21 836/11 839/8 842/7 845/22 847/1
outcome [4] 733/2 733/10 795/10 801/4
outcomes [1] 795/7
Outlet [4] 841/18 843/6 846/6 846/8
outperforming [1] 814/1
outs [1] 823/6
outside [8] 742/3 754/21 754/22 771/5 797/17 798/11 799/7 834/12
over [36] 717/6 717/10 717/15 719/16 725/2 731/7 732/25 734/9 744/11 744/23 745/2 747/22 747/25 747/25 749/20 749/23 750/6 758/22 764/17 764/21 766/23 767/19 767/24 768/19 770/5 770/12 785/8 785/12 785/21 785/24 793/2 797/16 797/16 806/4 824/2 855/7
overall [7] 719/8 724/11 724/12 791/3 822/8 823/14 825/6
overarching [1] 738/21
own [3] 732/14 732/23 810/21
owned [1] 756/14
owner [1] 715/6
owners [2] 733/14 755/23
ownership [1] 732/16

P

P.A [1] 712/16
P3 [2] 817/10 817/14
P4W2 [1] 820/3
pace [1] 732/6

P

Pacific [5] 715/24 732/20 737/4 738/11 738/19
Pacific Northwest [1] 737/4
pack [5] 811/8 811/11 811/11 811/12 811/12
package [5] 721/18 752/24 752/25 774/7 776/6
packages [1] 721/12
packaging [1] 751/12
packing [2] 746/7 752/16
packs [2] 811/11 811/13
page [15] 734/7 799/15 800/9 816/22 816/24 816/25
822/20 822/21 823/1 823/18 824/1 824/15 829/12 844/20
848/5
pages [1] 800/1
paid [1] 724/13
Palm [1] 840/13
paper [2] 811/10 811/11
paragraph [4] 734/17 738/8 739/13 836/18
parking [1] 745/12
Parkway [1] 711/5
part [23] 719/18 723/25 730/5 731/21 742/16 748/12
748/24 749/1 752/22 755/10 756/19 767/11 768/15 774/23
778/15 778/16 781/9 781/11 789/9 800/3 817/2 817/3
819/11
part-time [1] 748/24
part-timers [1] 749/1
participated [1] 747/23
particular [6] 781/5 809/21 818/13 822/15 823/17 823/25
parties [1] 740/23
partnering [1] 814/8
parts [5] 737/3 738/11 738/19 754/16 754/24
party [1] 797/8
pass [4] 728/5 777/2 838/22 839/8
past [4] 746/7 791/6 791/7 856/1
path [1] 734/10
patterns [1] 761/2
Paul [1] 710/16
Pavilions [9] 753/14 756/13 766/7 812/14 812/24 813/3
838/7 838/11 838/17
pay [9] 737/2 738/13 738/15 738/18 752/18 773/16 775/7
788/22 790/6
paycheck [1] 761/24
paying [6] 719/25 725/11 737/3 738/10 738/18 739/8
payment [1] 724/10
payments [1] 725/22
pays [1] 724/11
PCH [1] 843/6
penalty [1] 741/12
Pennsylvania [1] 710/10
pension [14] 724/8 724/10 724/23 725/1 725/24 746/24
748/10 749/23 750/1 752/22 752/25 762/18 763/1 775/16
pensions [1] 750/7
people [17] 716/23 718/11 723/18 728/23 732/25 767/23
768/7 772/7 773/19 773/21 773/22 779/18 824/7 824/8
834/4 839/22 849/21
per [5] 724/21 724/21 725/21 748/24 749/2
percent [7] 725/25 802/7 802/7 802/17 843/7 845/25
852/21
percentage [3] 802/2 802/11 802/14
perform [3] 750/20 751/10 751/23
performance [2] 779/4 848/10
perhaps [3] 719/21 835/7 835/9
perimeter [1] 715/2
period [6] 719/17 724/14 724/17 749/23 760/8 761/21
periodically [2] 816/10 828/13
periods [1] 721/15
perishables [1] 839/24
perjury [1] 741/12

permanent [1] 761/4
Perry [10] 711/13 776/21 803/12 803/17 804/9 804/16
804/19 839/5 854/14 854/21
person [1] 723/20
personally [1] 796/16
perspective [4] 732/7 784/1 787/18 846/15
pet [1] 809/3
Peters [10] 819/25 820/14 820/14 820/16 820/22 824/20
825/23 827/23 828/9 831/21
Pfaffenroth [1] 711/9
pharmacies [1] 745/6
pharmacy [6] 750/23 771/13 771/15 771/17 771/18 771/18
phase [1] 749/20
phased [1] 750/2
philosophy [2] 715/1 729/8
phone [2] 826/11 826/11
physically [1] 826/17
pick [4] 719/6 761/13 762/4 773/6
picked [1] 762/1
picket [1] 764/4
picketing [3] 761/13 761/21 782/8
picking [2] 724/25 847/3
picks [1] 761/12
picture [1] 800/9
pieces [1] 779/13
Piersma [5] 828/9 828/11 828/12 828/13 828/20
Pitt [1] 712/5
place [8] 716/7 758/18 770/8 774/22 804/25 819/24 831/13
847/3
placed [1] 744/3
plaintiff [5] 710/2 710/12 710/15 710/19 742/24
Plaintiffs [2] 709/4 742/25
plan [8] 715/7 725/24 725/25 762/12 762/15 762/20 762/21
763/1
plans [4] 729/1 746/24 746/24 781/11
plant [5] 746/5 746/6 752/7 752/17 752/19
plants [2] 746/7 752/21
please [19] 714/4 718/7 731/2 733/19 736/18 737/15 738/7
740/20 743/5 760/4 760/22 805/11 805/20 805/21 816/19
819/21 827/4 828/23 844/24
pleased [1] 731/22
pleasure [1] 776/22
plus [1] 839/15
podcasts [1] 721/5
Podoll [1] 712/6
Poff [1] 731/12
point [14] 714/15 719/6 726/20 734/16 735/15 744/9
761/17 773/6 778/23 778/24 779/2 790/18 818/8 822/17
points [2] 738/3 738/5
poised [1] 732/6
pop [1] 827/3
popped [1] 824/16
Porter [1] 711/11
portion [2] 818/9 818/11
portions [2] 751/14 751/15
Portland [8] 709/8 710/21 711/3 712/3 721/5 723/12 737/2
740/12
position [11] 727/14 728/3 728/4 735/22 736/2 744/10
744/14 744/16 751/21 760/20 793/1
positions [3] 750/16 750/19 751/6
positive [2] 730/8 730/10
possible [3] 761/10 777/15 838/18
post [10] 782/22 783/8 783/11 783/13 784/2 784/12 784/24
786/25 802/20 804/21
post-merger [10] 782/22 783/8 783/11 783/13 784/2
784/12 784/24 786/25 802/20 804/21
posted [1] 737/11

P

potential [4] 720/13 722/19 732/4 759/4
potentially [7] 733/15 816/5 816/7 826/23 826/24 832/7 832/9
power [2] 787/17 790/17
PPTX [1] 817/15
practice [5] 740/15 785/2 785/7 785/12 786/3
practices [2] 785/9 785/10
pre [1] 784/1
pre-merger [1] 784/1
precedes [1] 789/13
precise [2] 783/1 832/17
precisely [4] 788/14 788/20 790/3 790/4
precluded [1] 783/10
prefer [2] 798/1 812/2
preferable [2] 720/5 720/13
preference [1] 856/3
PRELIMINARY [1] 709/14
premier [1] 814/8
prepare [2] 747/4 752/13
prepared [1] 801/12
preparing [1] 792/23
presence [4] 755/19 756/7 849/21 850/20
present [4] 712/15 712/17 716/4 717/13
presented [1] 751/11
president [30] 720/3 720/11 743/16 744/22 744/25 746/15 747/14 747/19 771/7 785/5 787/21 796/25 798/19 799/4 800/10 802/18 806/15 811/15 813/14 839/23 839/24 839/25 840/3 840/5 840/9 842/16 847/15 851/7 852/3 854/1
president's [1] 799/14
presidents [2] 840/17 854/2
press [8] 730/12 730/23 731/15 736/1 741/4 742/2 781/18 781/19
pressure [2] 778/9 778/17
prettier [1] 745/11
pretty [8] 721/4 721/6 744/16 754/25 757/2 837/18 848/24 853/9
prevalent [1] 721/4
preview [1] 816/21
previous [1] 722/11
previously [2] 731/14 791/4
price [48] 719/24 732/22 815/7 816/9 818/24 819/1 819/9 826/6 826/8 826/9 826/12 826/23 827/25 829/3 829/4 829/16 829/20 829/24 830/13 830/15 830/16 830/20 831/3 831/8 832/6 832/14 832/22 833/1 833/5 833/22 834/11 834/12 835/17 836/22 836/25 837/3 837/15 837/16 837/20 837/22 837/25 838/1 838/2 841/21 841/24 847/5 848/16 849/19
price-check [3] 826/8 826/9 826/12
price-checks [1] 826/6
priced [1] 754/18
prices [28] 722/20 722/24 816/5 816/8 825/10 826/13 826/18 831/23 831/24 832/1 832/4 832/5 832/7 832/10 832/18 832/25 832/25 833/2 833/6 833/8 833/14 833/17 833/17 833/20 834/5 834/13 836/11 838/20
pricing [27] 815/18 815/18 815/19 815/25 816/1 816/3 816/4 816/7 817/11 817/21 819/10 819/17 825/20 826/10 826/25 828/14 828/16 832/15 832/15 836/15 837/17 837/17 838/5 838/7 851/11 852/7 852/10
primarily [1] 724/9
primary [3] 746/14 748/21 824/5
principal [1] 733/12
print [1] 832/21
printed [7] 819/17 821/4 821/5 821/7 821/10 822/11 822/15
printout [1] 789/8
prior [10] 726/21 764/17 764/20 765/1 765/4 766/1 766/2

766/5 767/25 774/2
private [10] 732/2 732/15 733/3 733/14 810/11 810/14 810/18 810/21 810/24 811/3
probably [7] 725/25 725/25 736/10 745/11 748/21 803/3 803/3
procedure [1] 748/11
proceed [3] 743/9 776/17 777/5
proceedings [2] 805/10 857/4
process [2] 814/9 832/13
processing [10] 745/10 745/25 745/25 746/1 746/1 746/5 746/6 752/7 752/19 752/21
produce [18] 808/5 808/13 808/16 808/19 812/17 813/1 813/8 814/5 814/7 814/14 814/16 814/17 814/21 814/21 815/1 815/15 844/11 845/21
produced [3] 793/19 793/22 853/24
produces [1] 746/2
product [12] 751/1 752/3 754/15 755/21 786/17 805/1 807/14 809/21 809/22 809/24 814/10 830/12
products [8] 809/14 809/18 810/7 810/15 810/24 811/3 811/7 832/19
profit [1] 764/12
profitability [1] 755/22
profitable [1] 758/1
profits [1] 755/12
program [6] 744/3 751/18 815/3 817/11 832/15 852/10
programs [2] 743/25 826/4
project [1] 732/5
promise [2] 799/2 803/11
promises [2] 739/14 739/19
promotional [4] 819/17 829/4 833/6 833/14
promotions [1] 815/20
proposal [2] 738/9 802/19
proposals [9] 723/10 723/11 737/5 737/21 738/20 747/4 747/5 747/7 779/3
propose [1] 780/20
proposed [10] 716/8 718/9 721/12 721/18 728/22 769/1 769/4 775/1 775/13 775/21
proposing [2] 738/12 772/14
prospect [1] 719/2
proud [1] 848/25
provide [12] 714/10 714/12 714/19 715/19 752/12 757/8 767/12 774/9 798/25 799/1 804/1 808/24
provided [2] 723/22 757/5
provides [3] 757/10 766/22 805/1
public [9] 717/18 718/12 720/20 720/25 727/1 739/14 740/1 781/20 781/21
publicly [7] 717/24 718/1 718/5 718/9 718/19 727/1 732/5
publish [1] 781/16
pull [4] 737/6 740/21 797/25 826/11
pulled [1] 735/17
purchase [5] 719/24 751/15 807/25 808/20 811/16
purchasers [1] 720/13
purchasing [1] 808/16
purpose [1] 734/12
push [1] 759/15
put [14] 726/24 757/3 760/20 765/25 777/14 778/9 816/3 818/4 819/16 824/12 831/2 831/13 832/21 832/25
puts [1] 821/11
putting [2] 727/2 824/4
PX1458 [3] 835/9 835/14 836/2
PX1480 [3] 827/3 827/23 828/3
PX1496 [2] 819/21 820/8
PX1497 [4] 816/19 817/6 817/23 819/25
PX1727 [2] 843/18 844/3
PX2920 [3] 847/7 847/18 853/17

Q

quantification [4] 794/8 794/11 796/2 796/18
quantify [3] 794/1 794/2 794/4
quarter [1] 848/24
question [21] 720/7 720/9 721/23 722/10 727/23 739/3
 778/4 783/1 783/3 790/21 793/12 793/21 797/24 804/10
 804/14 804/19 814/19 833/11 833/12 841/5 853/23
questions [13] 742/6 748/3 776/16 797/21 803/5 803/7
 805/5 807/2 812/9 815/17 848/2 854/7 855/21
quick [1] 840/10
quickly [2] 744/16 848/7
Quinta [1] 840/13
quite [3] 798/24 801/24 849/15
quote [1] 795/2

R

raise [1] 722/20
raised [1] 804/12
raising [1] 804/10
RAL [2] 818/18 818/20
Ralph's [1] 838/6
Ralphs [103] 753/8 756/12 756/14 756/15 761/18 761/20
 797/12 806/15 806/16 806/21 806/25 807/3 807/6 807/10
 807/16 807/19 808/1 808/9 808/15 808/22 809/1 809/11
 809/14 809/18 809/21 810/6 810/7 810/11 810/15 810/24
 811/7 811/17 811/19 811/24 812/5 812/17 812/24 813/4
 813/9 813/12 813/14 814/1 814/4 814/13 815/11 815/20
 817/10 817/14 818/13 818/20 819/17 820/3 820/15 822/1
 822/1 823/9 823/12 823/22 823/22 824/23 824/24 825/1
 826/1 826/2 828/12 830/20 831/24 832/2 832/4 832/8
 832/11 832/13 832/18 833/9 833/14 833/17 835/17 835/21
 836/1 838/10 840/5 840/5 840/9 841/14 842/16 844/25
 846/13 847/15 848/10 848/23 849/2 849/8 849/13 850/1
 850/21 851/6 851/7 852/2 852/3 852/6 852/14 853/12 854/1
Ralphs' [11] 811/15 811/23 812/2 812/22 814/16 814/20
 821/4 821/7 828/14 829/16 830/13
Ralphs's [1] 841/6
ramen [3] 842/5 842/6 842/6
ran [1] 716/24
Ranch [1] 852/15
Randalls [1] 839/23
range [4] 807/3 807/7 819/6 819/12
ranges [1] 724/21
rate [2] 738/15 749/13
rates [2] 737/3 738/18
rather [4] 719/2 732/24 767/18 769/7
RDR [1] 857/9
RE [1] 835/16
reached [1] 842/7
reaction [3] 846/14 851/6 851/17
read [7] 790/12 800/23 801/6 819/11 835/3 835/4 835/5
reading [1] 849/19
reads [3] 739/13 825/1 828/23
ready [1] 764/1
real [3] 720/1 724/2 763/22
reality [1] 738/14
really [20] 719/8 722/17 724/7 726/1 752/2 752/9 756/25
 757/14 759/11 763/16 763/21 767/14 770/10 770/11 773/17
 774/8 775/16 778/4 783/4 802/8
reason [7] 769/21 774/9 775/19 775/24 786/9 790/17
 852/10
reasons [4] 728/21 737/25 787/14 787/16
Rebecca [1] 711/16
recall [7] 714/11 718/25 728/16 801/25 803/15 803/19
 847/11
receive [1] 761/22
received [15] 721/15 723/13 723/25 731/4 734/2 737/17

789/25 801/15 803/22 818/1 820/11 828/6 836/5 844/5
 847/20

Receivers [1] 751/2
receiving [2] 746/22 761/15
recent [1] 727/19
recently [2] 722/6 735/16
Recess [1] 805/9
recites [1] 795/11
recognize [5] 730/21 733/22 789/6 799/11 843/21
recognized [5] 729/11 730/2 730/5 731/24 797/3
recollections [1] 717/3
recommend [6] 768/16 769/3 792/10 792/13 802/20
 802/21
recommendation [4] 768/18 826/25 830/20 837/24
recommendations [3] 816/11 816/14 828/16
recommended [1] 768/1
record [8] 736/22 740/6 743/6 805/21 847/9 853/20 854/19
 857/4
redacted [4] 817/3 819/3 819/11 819/13
redaction [1] 816/23
redirect [7] 713/2 742/7 742/9 803/6 803/9 854/8 854/10
reduce [1] 751/14
Redwood [2] 711/5 711/5
refer [2] 772/3 829/2
reference [2] 739/7 739/8
referenced [1] 718/16
referencing [3] 722/1 722/2 722/4
referred [2] 797/25 854/14
refers [2] 797/2 822/4
reflect [1] 795/21
reflection [4] 736/13 736/14 736/19 736/23
reformatting [1] 834/12
refreshing [1] 732/6
refused [1] 804/1
regard [1] 816/1
regarding [11] 715/20 717/14 721/11 723/7 723/13 723/14
 723/23 747/7 793/8 793/16 842/21
regardless [2] 738/16 792/5
region [4] 726/7 755/8 756/19 756/19
regional [4] 753/19 753/21 755/6 755/9
regular [10] 818/23 819/1 819/10 829/3 829/16 829/20
 829/24 830/13 833/5 833/17
relate [1] 738/5
related [1] 736/3
relations [3] 743/24 744/4 744/7
relationships [6] 760/3 778/9 781/22 786/14 786/24
 786/24
release [5] 730/12 730/23 731/15 736/1 741/4
relevant [6] 716/8 717/5 721/20 723/5 723/8 726/7
rely [2] 757/6 847/14
remains [1] 784/24
remember [6] 714/16 793/20 795/2 797/23 797/24 848/3
renegotiated [1] 716/13
renovating [1] 834/15
rent [1] 749/12
repeat [2] 825/14 833/11
rephrase [1] 739/4
replace [1] 770/23
report [6] 715/8 815/4 820/16 835/3 846/20 847/23
Reporter [1] 857/9
reporting [2] 715/6 814/24
reports [1] 847/24
represent [22] 745/5 745/6 745/7 745/7 745/8 745/9
 745/10 745/11 745/13 745/24 746/9 746/12 748/2 750/14
 751/3 752/21 762/13 777/11 788/9 790/25 797/10 802/13
representation [1] 746/18
representations [1] 722/11

R

representative [2] 714/22 719/24
representatives [1] 723/3
represented [5] 733/9 738/11 746/10 765/12 780/3
representing [5] 743/3 743/19 747/22 776/7 776/22
represents [2] 733/2 845/1
reputation [2] 786/21 786/25
requests [1] 751/12
require [5] 750/22 750/23 750/24 834/12 834/15
required [2] 751/16 762/11
requirements [2] 802/15 811/17
research [8] 744/14 771/11 771/12 772/7 772/11 803/12 803/21 804/15
Resort [1] 745/8
resourced [1] 719/6
resources [3] 719/5 734/20 777/18
respect [5] 725/6 759/14 764/3 764/4 766/25
respond [3] 747/5 831/16 837/10
response [2] 771/5 797/21
responsibilities [2] 746/15 834/21
responsibility [2] 747/19 815/22
responsible [3] 746/16 826/3 834/20
rest [5] 788/23 790/7 794/25 825/12 849/12
restate [1] 814/19
restriction [3] 798/6 798/9 798/17
restrictions [1] 798/5
result [3] 716/6 723/11 745/23
results [1] 849/1
resumed [2] 714/6 805/10
retail [25] 715/14 715/24 716/3 726/6 729/8 737/20 743/21 745/6 745/6 745/7 746/11 753/1 767/9 771/13 772/13 780/12 787/7 788/6 799/1 801/3 802/4 802/12 819/6 829/3 830/7
retailer [2] 785/19 795/17
retailers [6] 733/1 735/3 779/24 815/8 842/12 848/12
retain [1] 769/8
retaliation [1] 727/18
retired [1] 840/1
retirement [3] 739/15 739/21 840/7
return [1] 805/8
revenue [1] 755/12
review [1] 847/14
right [130] 722/20 727/7 729/12 730/11 731/18 740/12 744/8 750/21 753/5 758/16 760/4 760/23 761/1 768/5 768/14 771/21 777/16 777/21 777/25 778/12 779/1 779/4 779/8 779/16 780/11 780/19 780/25 781/6 781/10 781/16 782/1 782/9 782/14 782/23 784/3 784/8 784/18 784/22 784/24 785/15 785/21 786/1 786/2 786/9 786/12 786/15 786/17 786/21 787/1 787/5 787/19 787/24 788/2 788/5 788/10 788/20 788/23 788/25 789/8 789/10 789/19 790/12 790/19 791/18 791/22 792/2 792/20 792/23 793/3 793/20 794/11 795/8 796/9 797/16 798/5 800/12 800/23 802/8 807/7 807/10 807/14 808/9 808/16 809/12 810/9 810/22 811/20 811/25 812/22 813/4 813/9 813/12 813/15 813/19 814/2 814/18 814/22 815/15 816/12 818/20 819/15 821/8 821/15 821/17 821/22 821/24 822/2 823/4 823/15 826/13 826/18 831/19 832/2 832/6 834/5 836/18 836/23 837/15 837/21 838/2 840/22 843/5 843/14 849/12 850/11 850/12 851/9 854/12 854/22 855/2
rights [10] 764/24 768/2 768/3 768/12 768/17 769/4 769/15 770/14 770/18 770/24
rising [1] 738/13
risk [2] 769/23 770/2
Rite [1] 780/4
Rite-Aid [1] 780/4
RiteAid [1] 800/17
Rives [1] 711/2

RMR [1] 857/9
robust [1] 845/20
role [7] 720/3 743/15 747/2 747/3 747/11 755/13 755/13
roles [1] 746/4
Rolling [1] 843/4
rotating [1] 751/1
rotation [1] 752/3
Rothman [1] 710/8
roughly [3] 746/11 806/24 842/14
round [2] 780/18 800/19
roving [3] 782/17 782/18 782/19
row [5] 845/9 845/11 845/13 846/2 846/5
rows [1] 845/15
rumors [1] 718/17
run [5] 718/11 732/25 837/17 843/1 844/12
running [9] 715/1 715/17 728/24 834/7 843/6 845/25 852/16 852/21 852/23
runs [1] 832/15
Ryan [1] 712/9

S

S's [5] 723/22 725/7 729/1 729/4 729/7
S-C-H-W-I-L-K-E [1] 805/24
S.W [5] 710/5 710/20 711/2 712/3 712/10
safety [1] 752/3
Safeway [12] 725/2 725/15 739/2 739/18 765/10 766/2 766/6 766/7 766/9 839/21 839/24 839/25
Safeway/Albertsons [1] 766/2
Safeway/Carrs [2] 725/2 725/15
said [20] 716/25 722/14 740/3 756/4 767/6 767/13 768/20 769/17 769/20 773/6 785/17 788/19 794/23 794/23 794/23 825/25 840/16 842/7 847/1 853/17
sake [1] 807/22
salad [1] 809/12
salary [1] 749/15
Salem [1] 710/24
sales [3] 755/21 832/11 852/23
Sam's [2] 850/1 855/11
same [37] 724/17 725/11 727/20 732/19 735/1 737/3 738/18 744/19 744/20 744/20 748/17 754/1 755/6 757/10 760/24 760/25 761/1 761/23 762/14 765/16 767/9 768/7 768/9 768/18 775/24 776/3 782/25 783/19 783/20 804/22 805/4 822/24 823/4 825/14 830/16 843/9 852/10
Samyang [1] 842/6
San [2] 710/14 840/11
Sandy [1] 731/12
satisfactory [1] 722/18
saw [5] 718/10 718/10 718/12 733/19 842/5
say [38] 714/25 715/12 719/22 720/17 721/2 721/25 723/17 725/23 727/8 730/8 747/23 747/23 747/25 748/16 750/21 751/23 754/1 754/13 755/7 756/1 759/16 760/22 761/6 792/3 793/6 794/7 794/7 802/25 819/12 823/20 832/17 833/13 833/16 838/14 841/2 846/18 848/17 851/9
saying [4] 759/10 763/19 799/23 802/23
says [15] 738/8 738/9 739/1 790/13 800/9 800/14 817/20 818/18 822/1 822/8 822/21 823/1 825/6 829/6 830/7
scale [3] 738/13 750/1 771/19
scaled [1] 751/5
scheduled [2] 748/24 749/1
scheduling [2] 748/19 748/20
Scholer [1] 711/11
Schultz [1] 711/10
Schwilke [25] 713/5 805/18 805/23 806/3 806/12 828/8 839/3 839/13 840/9 840/14 840/23 841/25 843/8 843/17 843/20 844/7 844/21 846/7 846/15 847/6 847/10 848/21 849/14 853/23 854/12
scope [11] 729/18 754/12 754/21 755/4 756/1 756/18

S

scope... [5] 797/2 797/5 797/6 797/18 798/11
scorecard [1] 820/4
scores [1] 815/11
screen [9] 740/25 816/21 816/24 818/4 818/8 819/23
824/16 827/3 827/5
seafood [7] 808/5 808/11 812/19 812/25 813/7 845/22
851/23
searched [1] 771/15
seat [1] 805/20
seated [2] 714/4 805/11
Sebastian [1] 711/14
second [10] 799/11 820/13 820/21 823/18 828/8 835/11
836/7 836/18 844/20 847/7
secrecy [1] 835/9
secretary [1] 744/24
secretary-treasurer [1] 744/24
secure [3] 739/15 777/15 798/18
security [1] 749/13
see [47] 728/14 728/15 731/9 737/22 757/19 759/8 760/10
762/5 765/9 789/4 790/2 790/8 790/12 790/23 801/7 816/1
816/23 817/1 817/8 817/12 817/16 818/5 818/11 818/22
820/1 820/24 824/17 826/9 827/5 827/5 828/15 828/21
828/25 829/8 829/17 834/11 835/16 836/9 836/13 836/20
837/5 837/11 839/5 839/7 842/8 844/22 845/7
seem [1] 732/5
seems [2] 732/6 799/22
seen [7] 733/9 776/8 796/5 796/8 796/10 796/15 796/16
select [1] 773/3
selection [6] 807/14 812/21 813/3 842/3 849/22 851/18
self [2] 715/4 756/20
self-checkouts [1] 715/4
self-contained [1] 756/20
sell [9] 725/17 732/23 733/4 733/14 735/1 735/2 814/7
842/6 851/19
selling [3] 734/23 814/5 834/19
sells [3] 809/22 810/7 811/7
send [9] 734/4 764/7 773/2 805/3 821/12 821/15 821/19
821/24 828/13
sends [3] 759/12 821/17 821/21
senior [4] 765/24 769/13 770/17 770/18
seniority [17] 748/11 749/18 750/4 750/10 765/15 765/17
766/25 767/7 767/17 767/20 767/22 767/23 767/24 768/6
768/21 769/8 769/25
sense [8] 719/9 726/20 726/24 726/25 736/9 812/6 817/4
847/2
sent [1] 762/1
sentence [2] 790/3 829/6
separate [1] 800/3
serve [2] 762/3 851/2
servers [1] 732/22
serves [1] 809/10
service [15] 750/12 754/19 761/1 809/5 809/11 812/18
812/18 812/19 812/25 813/7 845/21 845/21 845/22 851/1
851/23
services [4] 732/21 805/1 809/1 813/8
serving [2] 768/9 819/9
session [2] 709/15 714/3
set [1] 757/1
sets [1] 779/9
Setting [1] 723/13
settled [1] 785/24
settlements [2] 779/7 779/16
Seven [1] 788/4
several [5] 747/18 748/20 764/22 788/25 808/1
Seymour [1] 712/8
shampoo [1] 809/18

share [15] 714/23 747/19 756/3 756/6 772/25 775/9 779/15
780/6 786/10 786/11 787/16 788/18 790/21 820/4 842/10
shared [1] 729/20
shareholders [2] 732/2 755/23
shares [1] 782/3
she [9] 729/23 732/18 799/23 804/2 817/21 820/15 820/18
825/25 826/1
shelf [3] 752/4 752/5 807/24
shelf-life [1] 752/5
shelves [1] 832/22
shift [1] 792/17
shifts [1] 761/22
shine [1] 783/14
shop [11] 758/18 760/4 760/8 760/23 767/10 804/25
811/24 832/8 847/3 851/25 853/2
shoppers [1] 808/18
shopping [6] 760/25 761/2 761/9 764/6 773/20 811/20
Shores [2] 711/5 711/5
short [4] 732/2 790/10 803/11 854/9
short-term [1] 732/2
shortly [1] 714/8
should [8] 729/17 740/24 769/3 789/3 816/19 827/12
843/18 847/7
show [7] 749/12 760/5 793/14 793/14 799/10 818/8 818/23
showed [1] 733/20
showing [1] 739/21
shows [1] 815/5
side [7] 792/5 792/7 792/7 794/5 848/13 848/21 853/24
sign [2] 791/14 791/24
signal [1] 759/12
signature [4] 817/20 857/6 857/6 857/7
signed [2] 791/23 857/6
significant [5] 724/7 724/7 733/2 733/9 842/9
significantly [3] 724/24 739/19 739/20
signing [1] 857/3
Silva [1] 828/20
similar [9] 719/15 754/13 805/1 812/21 813/3 813/11 823/1
823/3 845/4
Simple [6] 810/3 810/9 810/11 810/16 810/21 851/11
Simple Truth [1] 810/16
simply [2] 726/16 739/1
since [10] 736/9 744/24 746/8 769/18 769/19 792/24
839/19 855/8 855/14 855/18
single [6] 749/19 751/10 771/18 811/11 811/17 825/14
sir [15] 839/16 841/5 843/22 847/12 847/25 849/2 849/10
851/8 852/1 852/11 852/18 853/3 853/10 853/13 854/7
sister [1] 744/18
sit [2] 747/3 792/4
sites [1] 745/17
sitting [2] 714/21 716/2
situation [1] 763/5
Sivitz [1] 711/16
six [10] 735/8 738/4 749/20 749/22 749/23 765/22 767/13
767/14 811/12 845/11
six-pack [1] 811/12
six-year [1] 749/23
size [6] 754/12 755/4 756/1 756/2 807/3 807/16
sizes [1] 811/8
skill [2] 794/12 802/15
skilled [1] 777/14
skills [4] 750/22 751/13 751/22 751/25
skip [1] 825/13
SKU [2] 807/23 849/22
SKUs [3] 807/20 808/1 849/22
sleeve [1] 740/24
slide [3] 818/3 818/13 848/5
slot [1] 744/15

S

slow [1] 736/17
small [8] 726/1 753/22 755/1 775/8 802/7 802/9 802/10 803/7
smaller [1] 715/17
Smart [2] 841/18 852/24
so [157]
social [3] 781/12 781/13 781/15
Sol [1] 849/19
solution [3] 763/7 763/17 763/18
some [50] 714/10 716/23 716/25 718/14 724/2 728/7 729/19 745/8 745/10 746/23 748/7 750/21 750/22 751/19 753/23 754/14 758/17 761/14 762/4 762/22 772/11 777/2 780/24 780/25 783/23 784/11 786/1 795/16 796/6 796/8 796/10 796/12 796/13 797/11 798/5 798/14 803/3 803/17 808/18 808/24 810/2 811/7 825/16 825/17 826/21 841/3 848/13 854/12 854/21 856/7
somebody [3] 767/23 770/4 798/7
somehow [3] 851/5 852/2 853/11
someone [3] 732/24 744/15 851/3
someplace [2] 764/7 770/13
something [18] 728/2 742/17 748/18 751/19 752/11 757/7 773/19 775/6 790/11 794/23 798/22 842/16 843/13 843/24 844/16 844/17 846/25 847/14
sometimes [9] 736/18 761/11 778/14 816/10 825/18 825/19 825/19 827/11 841/6
somewhat [1] 718/15
somewhere [1] 780/16
Sonia [1] 711/9
soon [1] 717/10
sorry [10] 717/25 736/17 740/17 754/11 778/5 783/4 810/18 812/5 827/16 829/19
sort [2] 817/2 826/21
sorts [1] 720/25
sound [1] 841/5
sounded [1] 767/25
source [5] 722/19 755/12 784/3 784/5 790/16
South [1] 743/20
South Los Angeles [1] 743/20
Southern [61] 747/18 749/7 753/7 753/9 753/12 753/15 753/18 753/20 753/22 754/6 754/16 754/21 754/22 754/24 754/25 755/3 756/2 756/7 756/10 764/23 766/4 766/8 766/10 771/7 771/19 771/23 772/2 772/22 773/19 775/9 779/9 779/21 780/17 784/21 787/4 788/4 794/24 795/6 798/9 798/19 798/23 806/18 806/19 806/21 815/8 840/22 841/8 841/11 841/15 848/9 848/12 848/19 849/13 849/20 850/2 850/20 851/7 852/4 852/12 853/1 853/13
Southern California [2] 753/7 787/4
spans [1] 829/12
speaking [5] 740/5 746/11 754/1 779/15 785/9
special [1] 802/15
specific [8] 714/12 715/18 720/15 751/16 758/11 814/25 819/5 843/11
specifically [14] 724/23 727/13 743/23 746/12 747/12 748/4 750/15 753/4 814/4 814/16 814/20 834/25 838/6 854/24
spelling [2] 743/6 805/21
spent [4] 745/22 801/24 854/12 854/21
split [1] 725/20
spoilage [2] 786/17 786/24
spoke [1] 728/19
spoken [1] 772/6
spokesperson [2] 747/15 747/16
spokespersons [1] 747/17
spread [1] 755/2
spreadsheet [4] 844/21 845/4 846/2 848/7
Springs [1] 840/13

spun [1] 842/25
square [7] 773/18 807/4 807/4 807/6 807/9 807/13 807/17
stack [1] 848/14
staff [1] 746/19
stake [1] 732/16
stance [1] 775/5
stand [1] 751/4
standard [2] 749/8 779/9
stands [8] 788/23 790/6 818/16 818/20 829/22 830/5 830/9 835/19
start [9] 770/5 777/1 839/16 841/17 847/1 848/22 849/20 856/2 856/5
started [2] 769/11 839/17
starting [2] 734/17 749/21
starts [3] 732/14 836/11 836/18
state [11] 710/12 710/15 710/19 743/5 772/15 777/20 778/23 781/22 805/21 806/20 840/23
stated [1] 804/23
statement [9] 731/18 732/9 732/12 733/5 735/6 800/25 801/8 819/13 840/16
statements [5] 714/10 731/11 731/15 794/18 840/14
Stater [16] 753/19 753/21 754/9 754/13 754/20 754/23 756/18 757/15 780/15 821/7 821/21 823/12 823/23 824/24 838/7 850/23
Stater Brothers [1] 756/18
STATES [4] 709/1 709/17 715/24 849/8
status [1] 781/23
stay [20] 732/19 734/25 750/10 765/14 765/18 765/21 765/24 766/24 767/1 767/11 767/18 767/19 768/4 769/7 770/8 771/4 771/6 837/13 837/24 838/1
stayed [2] 768/22 837/3
staying [1] 724/5
stays [1] 750/5
steady [1] 721/6
step [5] 739/22 742/20 805/6 838/4 855/22
Stewart [1] 712/6
still [15] 735/13 757/21 758/18 760/1 768/6 768/7 768/8 783/18 783/19 798/25 799/1 831/2 831/3 831/5 836/19
stock [2] 807/20 807/22
stockholders [1] 715/7
stocking [1] 751/5
Stoel [1] 711/2
stop [2] 734/24 811/20
stopping [2] 732/19 734/25
storage [1] 745/11
store [88] 715/3 716/22 723/5 723/8 724/12 750/17 750/21 751/9 751/17 752/6 752/8 752/13 759/24 760/19 760/21 760/22 761/7 761/9 761/21 762/9 762/14 762/18 763/3 765/2 765/4 765/8 765/14 765/16 765/16 765/18 765/21 765/22 765/24 766/23 766/23 767/3 767/10 767/18 767/19 767/21 768/7 768/11 770/21 772/25 773/22 773/23 774/2 776/7 776/8 782/16 782/16 782/20 782/20 807/9 807/10 807/12 811/17 815/6 815/14 822/6 826/5 826/17 832/13 832/20 833/4 833/9 833/10 833/21 834/12 834/15 838/11 842/2 842/21 843/3 843/6 843/12 844/11 845/3 845/23 845/24 847/4 848/15 850/4 852/14 852/20 852/21 855/14 855/19
stores [109] 714/13 714/16 714/17 714/24 715/2 715/14 715/17 715/18 715/20 715/21 715/23 715/25 716/3 717/11 718/11 719/3 719/7 719/14 720/5 720/14 721/11 721/16 721/17 722/25 723/12 724/1 724/5 724/8 724/9 724/11 724/20 724/22 725/1 725/3 725/6 725/7 725/13 725/15 725/19 728/24 729/2 729/8 730/3 731/21 732/25 734/22 735/2 745/20 752/20 753/1 753/6 753/12 753/14 753/18 753/23 753/24 754/6 754/7 754/11 754/14 754/24 755/18 760/3 765/6 765/11 767/9 770/7 771/14 771/21 771/23 771/24 772/3 772/4 772/15 772/16 772/18 773/18 797/12

S

stores... [31] 797/15 801/19 801/22 807/2 807/3 807/6
 807/19 808/2 809/11 811/23 813/6 813/11 813/15 813/18
 813/18 813/24 824/11 826/4 838/13 840/11 841/4 841/14
 842/4 842/13 842/25 844/25 845/23 848/18 852/16 852/22
 855/2
stories [2] 769/12 769/13
story [1] 846/18
straightforward [1] 728/3
strategy [3] 714/23 714/25 732/1
street [11] 710/5 710/17 710/20 710/23 711/15 711/17
 711/21 712/3 712/12 765/25 843/5
strength [4] 757/14 760/9 764/8 787/23
strike [68] 720/10 722/6 722/9 740/11 740/12 740/15
 741/21 741/22 741/24 758/16 759/4 759/6 759/12 759/12
 759/13 759/15 759/17 759/18 759/20 759/25 760/5 760/10
 760/10 760/11 760/15 761/10 761/14 761/22 762/4 762/6
 763/4 763/7 763/8 763/11 763/13 763/13 763/15 763/22
 763/25 764/2 764/3 764/7 764/10 764/13 766/18 773/23
 774/17 774/22 784/3 784/7 784/9 784/14 784/18 784/19
 784/21 785/2 785/2 785/7 785/8 785/12 785/12 785/12
 785/18 786/3 786/4 786/5 804/24 805/1
strikes [2] 783/23 786/6
striking [3] 761/18 761/19 763/2
strong [5] 739/18 759/9 760/11 764/1 769/10
structure [2] 772/12 792/5
stuck [1] 766/15
students [1] 744/3
studied [1] 743/24
studies [5] 793/8 793/15 793/20 793/23 793/24
subject [4] 817/10 820/3 827/25 835/16
submitting [2] 828/15 831/11
substantially [1] 811/16
substantiate [1] 749/15
subtracted [1] 794/5
succeeds [1] 814/13
success [2] 729/12 731/25
successful [8] 736/21 768/10 770/6 774/5 788/16 788/22
 790/5 798/25
successfully [5] 755/20 758/2 765/21 771/25 775/2
such [9] 756/16 756/17 758/15 773/13 780/4 793/20
 793/23 808/3 808/19
suddenly [1] 768/21
suggest [1] 851/3
suggested [6] 719/13 760/18 846/12 851/16 852/1 853/10
suggestion [2] 851/8 853/13
Suite [5] 710/14 710/20 711/2 711/15 712/3
Sullivan [1] 711/13
summary [4] 720/22 738/21 745/12 840/10
sun [1] 783/14
Super [4] 753/23 851/20 851/21 855/14
superior [2] 752/23 774/13
supermarkets [4] 806/21 806/24 812/11 812/13
supplement [2] 761/14 762/6
supplied [1] 725/15
supplies [2] 809/3 809/15
support [19] 717/18 717/22 718/1 718/5 718/9 718/20
 720/22 721/8 726/24 727/3 730/12 734/13 734/18 735/17
 741/8 741/18 760/6 774/21 778/21
supported [4] 721/13 735/8 735/14 741/12
supposed [2] 725/21 742/12
sure [15] 714/25 720/8 727/6 736/22 740/6 746/20 746/21
 752/4 778/4 795/5 814/1 832/5 837/18 842/9 842/25
surprised [3] 771/1 771/2 771/2
survey [1] 815/5
surveyed [1] 848/9
surveys [1] 848/18

survive [1] 769/22

Susan [1] 710/2

suspect [1] 832/24

sustain [1] 739/4

Sustained [2] 722/22 797/19

sustaining [1] 804/17

switch [1] 761/2

swore [1] 741/12

sworn [2] 743/4 805/19

system [1] 833/25

T

T-O-M [1] 805/23

tab [5] 789/3 799/12 799/22 799/25 827/5

table [17] 735/24 738/1 747/15 747/17 747/21 759/10
 763/20 778/3 779/6 779/7 780/11 780/11 785/15 787/23
 791/21 792/4 794/6

tables [1] 747/3

tabs [2] 816/19 827/11

tactic [4] 726/16 778/12 778/16 778/20

tactics [17] 777/19 777/25 778/2 778/7 780/8 781/8 782/7
 782/21 783/7 783/11 783/17 783/18 783/20 783/22 784/16
 804/20 804/21

Taft [1] 762/20

Taft-Hartley [1] 762/20

tag [8] 827/25 828/24 829/2 830/9 833/5 833/17 834/6
 834/8

tags [6] 832/21 832/25 833/1 833/25 834/2 834/10

take [22] 715/7 717/10 717/15 724/13 725/2 731/18 732/12
 733/18 736/18 759/6 769/21 769/23 770/2 779/13 784/7
 784/14 789/1 790/10 805/7 830/12 842/20 843/17

takeaway [1] 715/5

takeaways [1] 802/22

taken [1] 784/9

takes [3] 752/1 766/23 834/2

taking [2] 717/6 838/4

talk [13] 727/7 728/18 740/11 745/16 747/5 759/3 764/16
 771/10 781/23 790/14 811/22 817/2 819/4

talked [14] 715/2 715/3 733/13 769/16 769/23 772/9
 782/21 783/23 786/23 825/22 831/23 841/22 849/24 851/13

talking [15] 745/22 763/2 773/18 778/7 787/18 788/6
 801/24 802/25 822/20 824/13 832/20 833/3 840/20 846/19
 854/21

tampons [1] 829/7

target [6] 758/23 819/6 834/18 843/4 850/4 850/7

targeted [2] 758/19 758/21

targeting [1] 760/19

team [12] 777/18 814/24 815/4 816/13 828/15 831/11
 833/4 840/5 842/7 846/24 846/24 848/25

teams [1] 777/14

Teamster [1] 772/9

technically [1] 804/20

tell [11] 716/24 718/24 723/7 727/14 746/14 766/20 769/6
 790/10 821/10 844/7 846/22

telling [1] 814/24

temporary [2] 744/4 755/11

ten [4] 739/23 800/1 844/25 845/1

term [25] 714/23 714/25 715/7 715/10 715/13 719/16
 719/18 732/1 732/2 755/14 780/10 780/17 780/20 784/22
 796/2 796/22 796/23 796/24 797/1 809/5 810/18 819/14
 835/3 835/4 835/5

terms [25] 746/20 748/13 751/13 752/3 754/12 754/14
 757/24 757/25 763/10 772/11 775/13 776/6 780/10 785/14
 785/15 795/12 795/21 799/5 799/7 802/19 807/3 814/17
 814/21 834/4 838/18

test [1] 759/16

testified [7] 731/14 735/16 793/2 793/5 797/21 801/18

T**testified...** [1] 803/12**testifying** [1] 854/13**testimony** [11] 735/13 737/24 742/2 767/25 790/19 793/7 794/11 794/19 795/5 796/8 803/23**text** [1] 828/23**than** [35] 717/13 719/2 719/22 720/15 721/13 723/18 728/1 732/4 734/23 739/7 750/22 751/4 752/21 756/1 765/7 770/12 771/1 772/16 774/10 779/12 790/25 793/11 794/25 798/22 807/13 809/22 809/25 811/4 815/15 826/10 831/3 838/17 841/24 851/5 853/15**Thank** [39] 714/5 728/5 728/11 729/24 731/5 736/12 736/16 737/18 738/23 739/5 739/11 742/5 742/18 742/21 777/4 777/7 783/21 784/20 786/20 787/20 788/9 792/12 794/22 796/20 798/15 799/2 800/4 801/16 803/5 805/6 805/20 806/19 824/2 839/11 847/21 853/18 853/21 854/7 855/23**that** [658]**that's** [76] 724/2 725/3 725/14 727/16 729/13 729/21 729/22 732/13 732/17 733/17 735/15 736/10 736/25 737/5 737/11 738/21 740/10 740/11 745/11 750/9 751/16 752/9 755/11 757/16 759/14 763/5 763/5 763/9 765/20 771/8 772/16 778/1 778/12 781/4 781/7 788/3 788/11 788/12 789/11 789/20 790/19 790/22 792/16 794/11 795/1 795/4 795/23 795/25 796/8 796/16 797/4 799/21 800/11 801/20 804/3 804/10 811/19 812/5 813/21 819/15 822/13 824/10 825/4 829/4 830/25 831/11 834/24 835/5 843/13 849/6 850/15 850/19 851/9 854/19 856/6 856/7**their** [88] 715/1 715/2 718/13 719/5 719/8 722/15 725/22 729/12 731/24 732/21 735/22 739/16 739/16 739/21 740/4 749/15 749/22 749/25 750/5 750/7 750/11 751/20 755/11 755/22 758/20 758/21 759/8 759/11 759/15 759/16 760/2 760/17 761/12 761/21 763/12 763/24 764/1 764/5 764/6 764/11 764/24 764/24 765/9 765/14 765/15 765/17 765/24 766/25 767/7 767/17 767/20 768/1 768/3 768/6 768/17 768/23 769/4 769/8 769/14 769/24 770/4 770/8 770/10 770/10 770/14 770/17 770/24 771/5 771/12 771/13 772/11 772/12 773/20 775/5 786/11 786/14 787/15 791/21 811/16 815/21 815/24 816/2 826/11 845/21 846/17 846/25 849/18 853/5**theirs** [1] 774/13**them** [41] 725/13 727/14 735/2 738/4 739/17 744/2 746/23 752/13 752/13 752/13 753/9 758/14 758/17 758/23 758/23 764/25 765/18 768/11 768/14 768/15 769/9 769/23 771/1 771/3 771/6 779/12 788/19 796/8 796/10 796/15 796/16 799/9 799/9 802/14 832/21 837/2 842/23 842/23 846/16 850/18 853/5**themselves** [2] 749/22 768/22**then** [56] 724/15 726/2 727/10 733/14 734/24 741/7 741/11 744/2 748/13 753/23 761/11 763/8 763/16 765/22 767/13 767/20 769/19 791/2 792/11 800/2 800/16 801/2 813/6 816/14 816/25 818/8 818/18 818/22 819/20 821/1 822/8 823/1 823/6 823/11 823/14 825/12 825/17 829/6 829/10 830/7 830/15 831/15 835/5 837/2 837/7 837/10 839/19 839/24 839/25 840/1 840/2 840/3 848/13 851/10 852/22 853/7**there** [110] 714/18 715/1 715/10 716/23 717/12 721/2 721/5 721/6 724/7 724/15 727/2 727/25 727/25 729/17 731/18 732/13 734/7 734/17 736/6 736/8 736/9 738/4 739/10 739/13 744/2 745/12 748/11 751/5 751/16 751/18 752/23 753/17 753/23 753/23 755/9 755/24 756/16 756/22 758/11 760/23 760/24 762/2 764/6 764/22 765/5 766/3 766/5 766/5 766/6 766/6 766/24 769/10 770/11 771/3 771/7 772/20 773/17 776/10 776/10 776/11 788/19 789/1 790/2 790/23 791/25 795/15 798/8 799/22 799/23 800/2 803/3 808/7 809/25 810/9 816/9 816/18 816/18 816/20 816/24 817/14 818/3 819/21 820/6 822/17 822/18 823/6 823/11

823/18 823/21 823/25 824/3 826/15 827/4 829/10 830/15 833/16 834/1 834/6 834/8 834/11 835/12 841/3 841/10 842/23 843/4 844/10 845/4 846/3 848/13 848/22

there's [8] 724/6 738/23 739/8 753/22 757/21 776/5 776/12 852/8**therefore** [1] 729/17**these** [30] 719/11 725/19 739/19 750/11 767/8 769/16 771/4 784/10 790/17 799/3 800/19 800/21 808/1 810/24 811/3 813/17 813/18 813/24 816/10 819/12 825/14 831/7 831/13 843/2 843/11 846/13 848/18 849/1 849/3 854/4**they** [267]**they'd** [2] 770/7 773/13**they'll** [1] 761/2**they're** [36] 725/20 725/23 725/25 742/17 748/25 749/3 749/14 749/24 750/10 754/16 757/3 757/8 757/14 758/1 758/15 760/1 760/2 760/2 761/14 762/2 762/4 762/22 763/7 763/16 764/9 765/7 767/7 767/8 772/1 773/16 775/10 803/1 810/17 826/3 826/9 850/21**they've** [8] 750/8 767/6 769/12 769/17 770/3 770/9 770/9 770/12**thing** [7] 718/15 727/8 748/17 756/16 819/3 845/20 852/7**things** [20] 715/4 717/1 719/11 727/25 728/1 740/4 748/7 748/15 748/20 752/5 783/5 786/23 788/19 798/14 802/25 841/24 845/20 847/2 851/5 852/5**think** [51] 714/13 714/15 715/5 715/15 715/17 718/24 719/4 719/9 720/7 721/4 725/9 727/20 729/7 730/7 732/18 733/17 735/16 736/10 736/25 737/24 738/4 740/10 745/4 748/16 752/9 756/25 759/1 760/18 765/8 768/13 769/6 769/9 770/1 771/3 771/7 774/5 774/8 779/11 781/25 782/15 783/9 784/6 785/17 791/11 792/10 834/2 834/23 838/10 850/17 853/5 856/3**thinker** [1] 736/17**thinks** [3] 763/6 763/6 771/8**third** [3] 732/13 828/19 829/6**this** [139] 722/10 726/12 727/7 727/9 727/9 728/16 729/15 729/17 730/21 730/23 731/2 731/15 732/10 732/19 733/1 733/8 733/13 733/18 733/20 733/22 734/12 734/14 734/19 734/24 734/25 735/5 735/6 735/12 737/7 737/8 737/11 737/20 738/23 740/2 740/9 740/15 742/3 744/17 759/10 760/23 765/19 765/19 765/21 765/22 767/5 767/12 767/16 768/6 768/12 768/23 769/7 769/17 769/22 772/6 773/8 774/10 774/15 784/6 784/6 785/17 789/6 789/8 789/12 789/13 789/13 789/14 789/15 789/16 790/23 790/24 792/18 792/23 793/9 793/16 793/18 795/6 796/21 798/10 799/11 799/19 800/12 800/19 803/13 816/22 816/22 816/24 818/8 818/13 819/3 819/5 820/18 821/4 822/11 822/15 822/20 823/17 823/21 823/25 824/19 824/23 825/10 825/12 829/15 830/11 831/9 831/10 831/11 836/15 840/7 841/5 841/6 842/5 843/20 843/21 843/24 845/1 845/2 845/22 846/2 846/9 846/12 847/1 847/9 847/11 847/14 847/24 848/5 848/6 848/17 848/24 849/16 849/18 849/20 851/3 852/11 853/10 853/17 853/24 854/2**Thomas** [3] 712/8 712/9 805/17**those** [59] 715/4 717/1 718/14 718/23 721/15 723/11 724/22 725/7 725/11 726/4 728/9 733/16 738/4 739/22 740/4 746/9 753/14 754/10 754/11 755/18 757/8 757/11 757/11 757/25 759/9 761/10 761/25 762/13 770/23 771/16 780/7 782/21 783/7 783/11 783/17 783/18 783/20 786/23 786/25 794/25 795/16 795/20 796/3 796/3 804/21 809/8 816/14 822/24 823/3 826/23 833/20 833/22 840/20 841/12 841/15 841/21 843/9 843/11 852/14**though** [3] 772/23 788/20 854/14**thought** [1] 825/16**threat** [10] 763/13 763/14 763/16 763/22 764/7 764/13 764/14 774/19 783/23 784/3**threaten** [2] 763/3 774/17**threatened** [1] 766/18

T

threatening [2] 763/11 773/23
three [6] 744/9 766/5 781/14 812/14 840/1 842/15
three-and-a-half [1] 744/9
through [19] 733/13 740/19 742/12 751/20 757/9 759/17
 762/24 763/16 767/21 769/5 774/18 821/13 825/13 825/13
 826/20 829/16 839/21 841/4 850/8
throughout [6] 754/17 756/7 764/23 772/24 773/1 775/9
Thumb [1] 839/23
tied [1] 825/17
ties [1] 825/19
Tim [1] 710/22
time [47] 715/13 716/4 716/19 717/4 717/8 717/13 717/21
 717/24 717/25 719/18 720/8 725/12 734/14 735/5 736/18
 739/16 739/18 741/13 744/2 744/19 748/24 748/24 750/6
 760/8 761/21 764/21 768/11 770/3 770/12 781/4 785/18
 791/15 793/5 793/18 826/7 826/7 834/7 834/9 834/9 836/22
 854/12 854/21 855/4 855/7 855/10 855/11 855/13
timeline [1] 740/19
timers [2] 748/25 749/1
times [5] 759/1 761/25 777/23 814/23 849/6
timing [1] 793/4
title [2] 806/14 818/13
titled [3] 731/7 734/8 737/20
to maintain [1] 765/12
to your [1] 759/3
today [24] 716/2 729/5 740/20 741/24 742/2 758/12 771/11
 774/16 778/7 782/1 782/9 783/12 790/19 791/1 791/5 793/3
 794/14 794/19 797/24 803/23 804/16 806/5 841/22 853/15
together [7] 777/14 784/17 788/4 788/9 816/3 834/23
 834/24
told [9] 723/3 723/10 723/19 764/23 765/19 767/12 771/1
 771/2 790/16
Tom [5] 713/5 805/23 839/23 843/20 847/10
tomatoes [1] 808/19
tomorrow [3] 856/2 856/5 856/8
too [7] 725/8 725/8 736/18 770/3 780/24 851/10 854/2
took [4] 728/16 735/12 744/8 827/13
tool [2] 773/9 778/16
tools [1] 751/24
top [10] 714/21 716/24 718/25 731/19 822/1 833/16 837/10
 840/12 847/2 848/22
topped [1] 849/5
Torrance [1] 843/4
total [2] 724/13 848/15
totally [1] 800/3
tough [2] 717/1 723/17
towel [1] 811/11
towels [1] 811/10
track [3] 842/24 843/13 843/15
trackers [1] 845/2
trade [9] 709/3 710/2 710/4 710/10 742/24 751/13 751/24
 805/14 806/4
Trader [7] 824/7 841/18 845/12 846/7 849/5 849/7 849/13
Trader Joe's [1] 824/7
traffic [1] 798/24
training [5] 750/22 750/23 750/24 751/16 751/20
transaction [1] 769/4
transcript [3] 800/2 857/4 857/5
transfer [5] 798/4 798/7 798/17 798/21 835/17
travel [1] 773/20
treasurer [1] 744/24
treated [2] 727/19 727/20
trick [1] 841/5
trickle [1] 767/21
trickle-down [1] 767/21
tried [1] 798/22

tries [2] 811/19 814/4
true [7] 729/21 735/15 784/24 785/17 786/25 804/20 812/5
trust [6] 746/23 757/9 757/9 762/16 762/24 775/17
trustee [2] 724/24 746/23
Truth [6] 810/3 810/9 810/11 810/16 810/21 851/12
truthful [1] 734/5
try [10] 734/5 734/24 749/11 758/14 760/21 763/7 763/18
 798/8 798/18 843/2
trying [4] 738/22 803/1 814/7 842/20
Tuesday [2] 820/23 821/13
turn [14] 734/7 755/8 816/17 816/19 818/3 819/16 819/16
 824/15 827/2 828/19 831/15 844/20 847/23 848/5
turned [2] 779/11 779/12
TV [1] 739/24
twice [4] 788/12 846/20 847/24 853/25
two [19] 720/19 721/15 726/3 726/24 747/20 753/24
 766/11 766/15 774/13 779/13 783/5 788/19 796/4 811/11
 814/23 826/15 844/11 852/5 852/22
two-pack [1] 811/11
Tyler [1] 712/7
type [3] 760/15 809/21 809/24
types [4] 745/14 745/16 748/4 775/13
typically [3] 798/8 798/18 809/21

U

U Magazine [1] 799/20
UCFW [1] 779/15
UFCW [12] 717/21 717/24 717/25 718/4 731/7 734/9
 738/10 743/14 743/17 746/10 746/15 780/3
ultimate [1] 815/19
ultimately [3] 767/22 815/21 839/22
unable [2] 714/12 714/19
unaware [1] 723/21
uncertainties [1] 718/16
uncertainty [1] 718/14
under [12] 735/13 741/12 753/8 753/13 753/25 756/9
 766/7 777/19 797/3 807/10 809/10 812/14
underfunded [2] 724/24 725/24
underfunding [1] 725/1
undersized [1] 807/10
understand [18] 720/7 725/4 725/16 732/15 732/17 739/25
 754/2 778/4 783/3 790/16 790/20 792/18 792/19 794/1
 795/6 799/23 830/11 848/17
understanding [7] 716/2 724/25 729/15 736/20 740/3
 740/7 742/1
understood [4] 718/19 720/8 731/23 835/7
unfair [7] 740/15 785/2 785/7 785/8 785/10 785/11 786/3
unfortunately [1] 849/5
union [59] 716/21 724/9 724/22 743/19 743/23 744/11
 745/1 748/5 748/8 749/17 749/19 750/5 750/15 753/6
 753/11 753/18 753/25 754/6 754/7 755/4 755/17 756/10
 759/23 760/22 760/24 761/7 761/8 761/23 762/9 762/10
 762/14 762/21 762/25 763/2 763/18 766/3 766/10 767/13
 771/7 772/20 775/14 775/23 778/20 779/14 783/10 783/22
 784/16 787/10 788/1 790/5 791/13 792/7 792/14 793/9
 793/19 795/1 795/17 803/13 804/21
union's [4] 787/11 787/18 792/7 793/9
unionization [1] 790/14
unionized [4] 753/10 779/25 780/2 788/24
unions [6] 747/18 765/12 778/2 787/15 789/9 796/6
unit [6] 724/19 747/17 762/12 797/2 807/22 807/24
united [8] 709/1 709/17 715/24 743/18 744/9 759/9 764/1
 849/8
United States [2] 715/24 849/8
units [3] 745/11 791/8 807/20
unity [2] 737/20 787/23
University [1] 743/25

U

unless [2] 729/17 803/3
unpack [2] 725/5 778/6
unredacted [3] 817/2 818/9 818/11
until [2] 722/16 856/8
up [39] 715/5 719/6 719/10 724/16 724/25 725/13 725/13
725/20 737/6 738/9 740/21 748/12 748/15 755/8 760/11
761/12 761/13 762/1 762/4 766/1 770/4 771/19 773/6 776/2
792/11 797/25 816/20 819/23 824/16 826/11 827/3 830/20
833/4 833/12 835/1 839/21 842/25 848/14 849/3
update [6] 736/1 736/5 736/10 737/7 737/11 737/20
updates [1] 828/14
upon [4] 750/18 763/19 767/20 791/20
upscale [1] 754/18
us [28] 730/18 738/9 747/20 758/20 758/23 759/10 759/14
759/16 760/5 760/6 766/14 770/25 773/24 779/11 780/21
782/5 787/16 814/24 832/16 837/3 837/18 843/3 844/19
845/24 846/11 848/14 852/20 854/6
use [23] 726/25 727/3 751/24 773/4 773/9 777/18 778/20
779/10 780/8 780/9 780/9 780/14 781/11 781/12 781/13
783/4 783/18 783/19 794/12 796/2 796/24 797/1 819/14
used [4] 765/7 777/24 781/14 782/15
uses [1] 819/17
using [7] 751/13 758/10 778/8 783/10 814/9 814/10 826/20
usually [2] 779/9 849/2
utilize [1] 781/9

V

vacation [1] 750/9
vacations [2] 748/11 750/1
Vacura [1] 710/20
Vallarta [7] 842/5 845/16 845/18 845/19 845/25 846/8
851/21
value [6] 719/25 808/18 810/25 815/7 847/5 848/16
variety [6] 743/20 754/15 807/14 808/2 811/8 811/11
vary [1] 797/5
Velasquez [1] 828/20
veracity [2] 721/23 722/11
vers [3] 822/1 823/12 825/1
versus [4] 715/3 815/7 824/23 824/24
vertical [1] 817/10
very [27] 727/25 728/11 735/16 742/7 742/18 750/19 758/7
760/11 769/10 771/2 773/2 773/2 774/8 774/8 774/10
774/21 796/20 800/4 801/10 802/9 802/10 844/19 844/20
846/22 848/25 848/25 854/9
vest [1] 750/7
vested [2] 749/24 749/25
viability [2] 765/20 772/12
viable [1] 764/8
view [12] 720/4 720/12 723/23 726/12 726/20 755/16
788/14 792/14 807/9 840/17 852/2 853/12
Vine [1] 711/21
visit [6] 745/17 811/17 813/14 813/18 813/24 855/1
visited [2] 801/19 855/4
visiting [2] 841/4 842/4
visits [2] 813/17 814/23
vocal [1] 739/16
Vons [27] 753/13 756/13 761/20 766/7 812/14 812/17
818/18 818/23 818/23 819/6 819/9 822/2 822/6 825/1 830/1
831/4 831/6 831/7 836/19 836/22 837/15 838/7 838/11
838/17 841/18 849/24 855/5
Vons' [5] 812/21 829/24 830/15 837/22 838/2
vote [9] 759/4 759/7 759/12 759/12 759/17 784/7 784/9
784/14 785/11
VP [2] 820/15 826/1

W

wage [9] 723/10 723/11 737/21 738/9 738/20 739/22
749/13 752/23 778/24
wages [22] 723/4 723/9 738/5 738/12 739/9 739/20 740/1
740/8 742/13 748/4 748/9 749/7 757/1 758/9 765/13 774/6
775/22 776/1 785/15 795/12 795/24 799/4
wait [2] 757/19 757/22
wake [1] 733/3
walk [1] 740/19
walked [1] 850/8
walking [1] 760/1
Walmart [12] 718/22 719/2 735/2 819/1 819/1 819/6 824/6
836/19 837/19 837/20 841/17 850/10
Walmart's [1] 836/25
want [54] 719/5 719/7 719/10 727/10 727/15 727/15
728/18 728/20 731/18 732/20 736/22 738/3 739/12 740/6
740/11 745/4 748/3 750/15 751/15 753/2 758/21 758/25
761/10 763/15 764/16 766/1 769/20 769/21 771/10 771/24
773/6 774/9 783/5 787/15 790/12 795/5 811/22 812/6 812/9
814/1 815/14 815/17 819/4 819/11 819/16 819/20 837/18
838/6 838/16 838/16 851/19 853/14 855/25 856/2
wanted [11] 714/15 714/18 727/13 728/23 729/1 729/19
770/25 798/14 819/15 828/15 856/7
wants [5] 732/14 733/4 760/10 812/5 832/18
warehouse [1] 725/18
warning [1] 792/17
was [106] 714/12 714/13 714/14 714/14 714/15 714/16
714/16 714/17 714/18 714/19 714/22 715/5 715/6 715/10
715/12 715/15 715/15 717/12 718/25 719/1 719/17 719/25
720/19 721/4 721/5 721/6 722/2 722/10 722/11 723/19
723/20 723/20 723/21 727/16 728/2 728/3 730/10 733/9
733/13 734/12 735/13 736/2 736/8 736/9 736/19 740/3
741/21 743/4 743/24 744/3 744/5 744/14 755/9 766/5 766/6
766/6 766/7 766/17 768/9 768/20 769/18 769/19 770/4
770/6 771/5 773/15 778/8 785/19 785/21 785/24 786/3
789/20 791/12 791/14 792/14 792/25 795/2 796/23 798/13
801/12 803/21 804/2 804/6 804/14 804/15 804/16 805/2
805/19 828/15 836/22 836/25 837/20 837/22 837/24 839/24
839/25 840/3 840/4 842/6 843/3 843/4 843/5 844/10 849/19
852/7 855/15
Washington [7] 710/5 710/11 711/12 711/15 712/10
712/13 839/17
wasn't [3] 719/1 727/11 794/17
way [15] 717/9 717/12 725/19 742/13 758/7 764/3 771/3
816/2 826/17 826/20 829/12 838/17 839/21 840/11 840/12
ways [1] 826/15
we [285]
We'll [1] 793/13
we're [16] 722/2 757/6 758/7 758/16 759/25 760/19 763/2
763/6 763/9 765/12 769/22 771/6 787/18 799/2 833/24
848/8
we've [11] 721/22 763/19 769/18 769/23 772/8 772/9
774/10 779/12 781/14 811/3 842/14
website [4] 736/6 737/12 781/16 789/8
Wednesday [5] 817/7 821/13 832/24 833/2 833/13
week [13] 726/24 748/25 749/1 749/2 821/12 821/15
822/16 824/22 825/10 825/14 834/1 843/3 853/7
weekly [8] 749/14 764/6 773/20 820/4 821/19 821/24
824/4 824/12
weeks [4] 715/8 737/8 741/19 855/5
Weil [4] 711/4 711/7 711/14 711/17
welfare [4] 724/14 724/22 746/24 775/16
well [36] 718/22 719/4 724/7 726/23 727/6 728/15 738/20
753/24 754/13 755/18 756/2 756/8 756/25 758/14 763/5
763/13 763/24 770/16 772/8 780/5 791/14 797/25 801/5
812/11 813/1 816/21 817/20 819/23 820/6 822/12 822/14
842/3 846/16 848/24 852/22 853/4

W

Wenatchee [1] 839/17
went [11] 762/17 765/23 768/23 770/13 785/18 800/12 837/3 842/4 843/5 855/18 855/19
were [63] 714/9 714/13 715/1 715/9 715/13 715/17 717/1 717/11 718/10 718/17 718/21 720/25 721/2 721/22 723/9 723/10 723/15 723/22 726/23 726/24 727/3 727/14 727/24 728/23 729/5 729/8 731/15 731/22 738/22 742/15 743/25 744/15 749/5 750/12 757/7 761/18 765/25 766/3 766/5 766/15 766/18 767/15 768/25 771/1 771/2 773/14 773/14 774/18 775/6 780/16 791/19 793/18 793/20 799/3 829/7 831/13 832/19 833/2 837/16 840/14 843/11 851/3 855/11
weren't [4] 718/11 719/17 761/19 851/10
West [2] 738/12 796/13
Westwood [1] 852/16
what [104] 714/11 714/13 717/11 718/10 718/10 718/14 718/16 718/25 720/10 720/11 720/25 722/8 723/7 724/4 724/11 724/23 727/1 727/16 728/3 728/3 729/4 732/17 734/20 734/24 738/21 739/8 740/19 743/15 743/17 744/6 744/13 745/4 747/1 748/7 748/12 748/22 751/8 752/14 753/11 755/16 756/10 757/4 757/5 757/6 757/19 759/14 759/23 763/19 764/13 764/24 764/24 767/16 769/10 769/17 769/24 770/9 770/9 771/19 772/7 775/8 775/25 779/18 779/21 782/24 783/4 785/4 790/15 793/11 794/2 799/16 802/2 802/11 802/14 802/22 804/5 807/22 809/8 810/2 815/2 818/16 821/10 822/17 826/2 826/8 826/25 828/15 829/2 831/11 835/5 839/19 840/10 841/6 841/9 841/14 842/21 844/24 845/2 845/9 845/18 846/22 846/24 848/7 848/10 852/18
what's [8] 747/6 783/5 806/14 810/14 819/12 832/13 844/7 850/17
whatever [5] 725/17 764/6 781/4 782/5 834/9
Wheatley [1] 711/20
when [55] 715/12 718/16 718/19 721/13 721/25 722/16 725/22 732/9 733/5 733/12 734/4 734/19 735/12 741/11 749/11 756/23 758/12 758/23 759/1 759/12 760/2 761/13 766/18 766/22 767/17 770/21 771/1 771/2 780/14 781/3 781/8 789/20 790/14 790/16 799/2 799/8 813/17 813/24 815/12 816/20 819/21 825/19 827/4 832/13 833/8 833/8 833/20 835/3 837/3 844/25 847/3 852/6 853/17 855/15 855/19
whenever [1] 833/3
where [27] 719/6 722/13 724/6 724/12 729/5 743/13 743/25 744/3 759/8 760/16 765/10 774/11 775/17 785/7 790/11 795/1 795/6 795/17 797/22 798/2 798/6 801/7 809/25 812/3 812/7 849/2 853/8
whereas [2] 726/2 768/22
wherewithal [2] 755/7 773/21
whether [6] 738/16 765/14 769/2 804/14 816/2 833/4
which [35] 714/17 717/14 721/25 723/21 724/1 724/2 724/24 725/12 725/16 727/18 735/3 744/9 744/18 746/2 751/21 752/17 752/24 761/4 761/18 764/19 765/11 776/11 788/24 790/15 792/1 797/11 799/15 800/6 801/12 823/17 825/12 840/13 841/21 848/12 853/24
whichever [1] 819/24
while [9] 743/24 744/5 752/1 770/12 801/24 849/21 851/18 855/14 855/18
white [6] 827/25 828/24 829/2 830/9 833/5 833/17
who [30] 716/23 718/17 718/20 723/20 728/23 728/23 732/25 739/17 739/22 751/3 759/10 760/3 762/3 765/24 767/24 768/21 769/11 770/15 771/8 772/10 793/22 800/20 806/12 811/23 817/18 820/14 828/11 835/25 846/2 848/22
whoever [1] 791/20
whole [9] 718/15 771/18 799/13 822/19 845/14 846/8 850/25 851/4 851/11
whom [1] 720/5
whose [2] 732/4 787/10

why [20] 718/7 719/2 722/18 728/21 734/13 757/12 763/13 763/13 763/23 770/1 787/15 804/10 821/6 832/4 841/2 842/19 846/7 851/11 854/4 856/7
wide [1] 811/8
widely [1] 797/5
will [59] 717/15 721/12 725/17 726/13 728/9 729/14 731/4 732/3 732/19 732/24 734/2 734/25 737/17 738/9 739/4 739/14 740/25 742/12 742/13 754/2 760/24 760/25 762/5 762/6 766/25 770/15 771/25 772/20 774/16 775/1 775/7 775/13 775/21 776/1 783/2 789/25 790/2 790/24 792/6 792/6 800/20 800/21 801/3 801/5 801/15 803/11 804/21 805/7 816/21 816/24 818/1 820/11 827/3 828/6 836/5 843/1 844/5 847/20 853/20
William [3] 835/14 835/25 836/8
Williams [1] 712/9
willing [4] 763/12 766/17 769/23 783/14
win [2] 825/16 842/11
WinCo [2] 850/17 850/19
wins [1] 825/18
withdraw [1] 791/17
withdrew [1] 741/18
within [10] 754/7 765/22 767/13 767/14 772/15 807/19 819/12 844/10 845/23 852/20
without [4] 717/11 765/25 768/22 857/5
withstand [1] 775/10
witness [17] 712/15 712/17 728/6 729/15 729/16 729/20 730/15 730/16 742/22 743/4 776/16 805/12 805/19 818/10 838/22 839/9 856/1
Witnesses [1] 713/2
Wolf [1] 711/9
won't [1] 782/25
word [3] 756/4 782/15 794/2
work [25] 728/9 732/25 745/17 746/19 748/10 748/17 750/2 752/6 752/7 762/9 762/13 762/17 763/14 768/25 770/2 774/7 775/10 787/4 797/22 798/2 800/20 803/17 833/10 833/21 840/4
worked [5] 724/16 724/17 792/24 839/21 848/25
worker [3] 750/5 752/18 775/19
workers [44] 716/22 725/13 733/3 733/10 735/3 743/18 744/1 744/10 745/7 745/9 745/19 745/23 745/25 745/25 746/12 747/22 748/5 748/8 749/17 750/14 750/15 751/4 759/11 759/12 759/25 763/24 764/1 764/20 765/5 766/21 768/1 769/3 769/16 770/1 770/14 770/17 770/20 770/23 770/23 771/4 775/14 775/23 776/7 776/9
workforce [1] 801/21
working [11] 719/9 724/15 743/22 760/1 760/2 762/8 762/13 768/7 768/8 796/21 839/22
works [2] 751/21 844/18
world [14] 727/2 728/1 782/23 783/8 783/11 783/13 784/2 784/2 784/13 784/24 786/25 802/20 839/18 845/22
worry [1] 849/9
worse [2] 802/19 802/25
would [160]
wouldn't [17] 726/23 736/9 757/8 757/23 770/2 772/24 772/25 773/1 773/12 773/15 774/20 775/4 775/18 794/7 805/2 805/4 834/15
Wow [1] 842/5
write [8] 731/20 732/18 734/18 781/17 789/16 800/19 831/18 837/13
writes [1] 837/7
written [1] 789/20
wrote [1] 732/13
WT [2] 830/7 830/9

Y

yeah [34] 717/16 719/19 721/21 723/25 726/8 728/25 728/25 730/7 733/17 733/17 735/7 735/11 735/25 736/10

Y

yeah... [20] 736/25 737/5 738/6 739/10 740/10 742/15
750/7 765/5 771/12 772/10 781/19 785/22 788/18 795/9
798/6 834/6 840/8 848/9 850/6 850/8

year [12] 728/16 735/13 740/8 749/23 801/4 814/23 840/1
840/4 845/24 849/16 852/20 853/25

year-and-a-half [1] 840/1

yearly [2] 846/20 847/24

years [30] 739/23 744/9 745/3 749/20 749/24 750/1 750/12
756/22 764/19 767/2 768/24 774/1 776/7 776/14 781/14
785/5 785/21 785/24 839/15 839/24 839/25 840/1 840/2
840/3 840/6 842/13 842/15 849/1 852/6 855/8

yellow [1] 819/4

yes [332]

yet [1] 751/22

York [1] 711/8

you [594]

you'd [4] 760/6 831/15 832/24 847/23

You'll [1] 760/23

you're [23] 726/17 734/19 742/2 746/25 750/13 762/8
762/13 762/14 765/21 767/16 773/18 775/22 777/12 779/21
781/3 781/8 782/23 790/18 792/20 802/25 816/23 833/20
841/4

you've [10] 720/10 747/23 759/2 760/13 773/7 777/9
777/23 777/24 798/4 798/5

your [235]

Your Honor [40] 714/5 722/21 728/6 728/10 729/14 729/22
730/15 731/1 731/3 733/24 737/14 737/16 738/25 740/23
742/19 743/9 776/15 776/17 777/1 777/5 789/22 798/10
798/15 799/25 801/11 803/8 803/25 804/4 806/8 817/23
820/8 827/19 828/3 828/5 836/2 838/22 839/8 847/17
847/21 853/16

yours [2] 820/16 850/5

yourself [1] 731/11

Z

Z-I-N-D-E-R [1] 743/8

Zinder [33] 712/17 713/4 742/25 742/25 743/3 743/7
743/13 748/3 753/2 758/5 764/16 776/21 777/9 781/9
782/22 783/21 784/17 785/1 787/3 788/14 789/10 790/2
790/24 792/6 792/17 793/7 794/19 795/6 799/10 801/13
801/18 802/3 803/11

zoom [1] 738/7